

COUNCIL MEETING

JANUARY 29, 2014

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Jay Furfaro at the Council Chambers, 4396 Rice Street, Room 201, Lihu'e, Kaua'i, on Wednesday, January 29, 2014 at 9:10 a.m.

Chair Furfaro: A couple of housekeeping items for all of you before we get started. First of all, the Executive Sessions that are posted for today, I am requesting through consultation with the County Attorney, some of his legal representatives are actually ill and unable to attend today. So, these are going to be deferred for two (2) weeks. That will be the meeting of February 12, 2014. Am I correct, Clerk?

RICKY WATANABE, County Clerk: Correct.

Chair Furfaro: That is one (1) announcement. Second announcement, we are going to move forward on the Hanalei Courthouse and then at 11:00 a.m., I have agreed with some of the residents in the Kalāheo – Lāwa'i area to put Wawae Road on at 11:00 a.m. So, that is just for some general notes. Also, Councilmember Hooser is absent and excused and Councilmember Rapozo is going to be here shortly. So we are all current on that. On that note, we will note those two (2) Councilmembers attendance and I will call the meeting to order by a way of a roll call.

The following members answered the call of the roll:

Honorable Tim Bynum
Honorable Mason K. Chock, Sr.
Honorable Ross Kagawa
Honorable Mel Rapozo (*present at 9:11 a.m.*)
Honorable JoAnn A. Yukimura
Honorable Jay Furfaro

Excused: Honorable Gary L. Hooser

APPROVAL OF AGENDA.

Chair Furfaro: Now, I am asking for an approval of the agenda based on the items that I had suggested on deferring the Executive Sessions. You go right ahead, have the floor.

Mr. Kagawa: Thank you, Chair. I think we had the discussion with the Civil Defense at Committee. I think everybody is satisfied. If we would maybe move that since they are here, up at some point also. Thank you, Chair.

Chair Furfaro: Well, I will tell you what. It might be beneficial for us then to take them first and then the Hanalei Courthouse. That would work. Is everybody fine with Mr. Kagawa's suggestion? Okay, very good. I would like then to have a vote to actually approve the agenda in the order that is so stated.

Mr. Kagawa moved for approval of the agenda as circulated, seconded by Mr. Rapozo, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

Chair Furfaro: Mr. Clerk, I would actually like you to read Public Comment, Section (D) for me please.

PUBLIC COMMENT.

Pursuant to Council Rule 13(e), members of the public shall be allowed a total of eighteen (18) minutes on a first come, first served basis to speak on any agenda item. Each speaker shall be limited to three (3) minutes at the discretion of the Chair to discuss the agenda item and shall not be allowed additional time to speak during the meeting. This rule is designed to accommodate those who cannot be present throughout the meeting to speak when the agenda items are heard. After the conclusion of the eighteen (18) minutes, other members of the public shall be allowed to speak pursuant to Council Rule 12(e).

Chair Furfaro: Thank you very much. So, if there is anyone in the audience that would like to speak on any item on the agenda, you can take this time for reconciling your time of speaking now, but again, pointing out when the item then comes up later, you will not be allowed to speak again. Is there anyone that wants to speak on any agenda item this morning?

There being no one present to provide testimony at this time, the meeting proceeded as follows:

MINUTES of the following meetings of the Council:

June 28, 2011 Council Site Visit
December 18, 2013 Council Meeting

Mr. Chock moved to approve the Minutes as circulated, seconded by Mr. Rapozo, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

Chair Furfaro: So note that is not a typo, that is the June 28, 2011 minutes, for the record.

CONSENT CALENDAR:

C 2014-24 Communication (12/31/2013) from the County Engineer, transmitting for Council consideration, a Resolution Establishing No Parking At Any Time Along A Portion Of Kōloa Road, Kōloa District, County Of Kaua'i: Mr. Kagawa moved to receive C 2014-24 for the record, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

C 2014-25 Communication (01/06/2014) from the Chief of Police, transmitting for Council consideration, proposed amendments to Ordinance No. B-2013-753, as amended, relating to the Fiscal Year 2013-2014 Operating Budget, by Revising the Amounts Estimated in the General Fund. (*Police Department Workers Compensation Medical – \$110,000*): Mr. Kagawa moved to receive C 2014-25 for the record, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

C 2014-26 Communication (01/21/2014) from Council Chair Furfaro, providing written disclosure of a possible conflict of interest, relating to Ernesto G. Pasion vs. County of Kaua'i, et al., Civil No. 13-1-0340 (Fifth Circuit Court), as he is named in his individual capacity: Mr. Kagawa moved to receive C 2014-26 for the record, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

Chair Furfaro: Mr. Clerk, from the earlier narrative you might have heard that we would like to go to Civil Defense first.

COMMUNICATIONS:

C 2014-14 Communication (12/06/2013) from the Civil Defense Manager, requesting Council approval to receive and expend grant funds in the amount of \$475,000 from the United States Department of Homeland Security via the State of Hawai'i, Department of Defense, for the Fiscal Year 2013 State Homeland Security Grant Program for the following:

- 1) Continue to enhance the capability of State and local units of government to prevent, deter, respond to, and recover from threats and incidents of terrorism involving the use of chemical, biological, radiological, nuclear and explosive weapons, and cyber attacks, in addition to day-to-day all-hazards scenarios;
- 2) Continue to provide support to Citizen Corps Councils with planning, outreach, and management of Citizen Corps programs and activities, such as Community Emergency Response Teams and Neighborhood Watch.

Mr. Rapozo moved to approve C 2014-14, seconded by Ms. Yukimura.

Chair Furfaro: Are there members from our Civil Defense Agency? Ladies, maybe you should both come up. *Aloha*, good morning. If I could have you both introduce yourselves. We will be open to some dialogue with you on this grant.

There being no objections, the rules were suspended.

GLENDA NOGAMI-STREUFERT, Civil Defense Manager: Glenda Nogami-Streufert, Civil Defense Manager.

CHELSIE SAKAI, Emergency Management Grant Coordinator: Chelsie Sakai, Emergency Management Grant Coordinator.

Chair Furfaro: Thank you. There is some narrative for us to read here, but we did ask you for some specific responses coming back from the last time if I remember appropriately. Mr. Kagawa, you want to have the floor?

Mr. Kagawa: Well, I think we did it in Committee and I think everybody was satisfied with the answers. I want to thank Civil Defense. They had all of the Agencies represented at the last meeting and I think we all agreed that this is a great thing, for our County to get updated. Thank you.

Chair Furfaro: I was absent, under the weather the last time. So, I want to thank Vice Chair Chock for having you entertain those

questions last week. Any further questions of Civil Defense? Well, it is a short morning for you folks. I will see if there is public comment. You are excused.

Ms. Nogami-Streufert: Thank you very much. I appreciate it.

Chair Furfaro: Is there anyone in the public that wishes to speak on C 2014-14?

There being no one to testify on this matter, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2014-14 was then put, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

C 2014-27 Communication (11/22/2013) from Council Chair Furfaro, requesting the presence of the Director of Parks and Recreation and the County Engineer, to provide the Council with an update on the Administration's progress and current plans as it relates to the restoration of the former Hanalei Courthouse Facility. This briefing should include, but not be limited to, the following:

- The plan/design/construction of sidewalks;
- Whether all plans and designs were presented to and accepted by the community;
- The requirement for floodwalls, including an assessment of potential impacts such as water run-off; and
- A report on the outcome of the planned community meeting to discuss restoration and use of the Hanalei Courthouse Facility.

Mr. Rapozo moved to receive C 2014-27 for the record, seconded by Mr. Chock.

Chair Furfaro: I have a motion to receive and a second. At this point, what I would like to do is suspend the rules so that I can give some commentary to Lenny and then take some public comment.

There being no objections, the rules were suspended.

Chair Furfaro: First and foremost, since this is my agenda item and it was an agenda item that I had asked that you do another outreach to the community, I want to say thank you for scheduling that meeting. It was much appreciated. I think some of my previous questions are still in the communication here which deals with the water proofing of any proposed wall that goes around the Courthouse, that it is aesthetically pleasing and it is not just taken from a standpoint of a construction element. We need to recognize that the location of the Courthouse is directly across the street of a historic park and it is historic because it is also the site of the third Russian Fort on Kaua'i. Fort Barkley was located right there. So, it is extremely important. Secondly, my concerns dealt with the addition of a bus stop, and is the community going to have an opportunity to give some input on that? Its design I think, is extremely important to the historical value of Hanalei and there just should not be a generic bus stop installed. I guess having an ultimate understanding of how the walking sidewalks will be incorporated with the Community Association understanding the historic road that goes through Hanalei. So, Lenny, those were my points communicated to you and I would like to turn it

over to you if you want to make a presentation and if your comments could address those three (3) points, I would certainly appreciate it.

LEONARD A. RAPOZO, Jr., Director of Parks and Recreation: Thank you, Council Chair. For the record, Director of Parks and Recreation, Lenny Rapozo. Yes, we had the meeting and if I could briefly just go through the presentation. It gives a lot of background as to how we got to where we are today with the facility itself and some of those questions that you have raised were also raised at our Community Meeting that we had last night, which I thought we had really good dialogue.

Chair Furfaro: Well, let me give you the floor. I am going to relocate myself to Mr. Hooser's chair and I will run the meeting from over there.

Mr. L. Rapozo: Okay. Well, first of all, I would like to say that this project is a joint project between the Department of Public Works and the Department of Parks and Recreation. Department of Public Works is taking the lead on the renovation of the facility itself and the Department of Parks and Recreation will manage the facility or has been managing the facility and will manage whatever programs and the intent of what the community wants the facility to be used for.

With that being said, we will move forward with our presentation. The facility, that area or that property was established by Executive Order (E.O.) No. 896 back in October 8, 1940 by Governor's Executive Order. It is approximately two and a half (2½) acres in size. It is affectionately known as the Hanalei Courthouse lot in Waioli, Halelea, on the island of Kaua'i. That would be page 2 of your handout. The Hanalei Courthouse as we know of it today, in 2006, the Judiciary built their new courthouse in Līhu'e and made the decision that all five (5) district courts which were held prior to 2006 in the outlining districts were all moved to Līhu'e at the current Judiciary complex. The Hanalei Courthouse, after that move was completed, was no longer in use by the Judiciary. On September 20, 2006 Mayor Bryan J. Baptiste requested via letter to the Governor, that the County would like to continually use the property and the courthouse building itself. At the April 27, 2007 meeting, the Board of Land and Natural Resources approved his request. On May 1, 2007, Mayor Baptiste received a memorandum approving the use of that particular property for the purposes of the maintenance base yard, for public affairs and recreation purposes. In 1940 when the facility was already established, the Hanalei Base Yard was already located there and was allowed to exist there. By this action, it gives the approval by the County to continue use as a base yard, to use the area or the courthouse for public affairs meaning predominantly meetings and recreational purposes whatever that may be as viewed by the County. On October 19, 2007, Mayor Baptiste receives the Right of Entry Notification authorizing the County's management of the Hanalei Courthouse. At the time, major rehabilitation work when they made the assessment of the building would be required to reopen the building which would include asbestos removal, Americans with Disabilities Act (ADA) improvements, septic system improvement, and a design to hopefully better suit the needs of the community. The design at that current time was suited to run an active courtroom.

By Executive Order No. 4214 by Governor Lingle on December 10, 2007, the land was officially set aside for the three (3) aforementioned activities – the base yard, public affairs, and recreational purposes. It will be under the control and the management of the County of Kaua'i. So, you would think that by having all this is

it at this time, it would be ours. This is a picture on page 8, depicting the Tax Map Key (TMK) area of the courthouse lot as we know of it today that was done over by E.O. No. 4214. On July 20, 2011 the official transfer of the property from the Judiciary, I am talking about the courthouse itself because in the Executive Order we found that the land was transferred to the County, but the building itself, was not. In 2011, we worked with the Judiciary to get the necessary documentation in place so that not only the land, but also the building itself was physically under the management of the County of Kaua'i.

Moving forward again, the purpose of E.O. No. 4214 would be the renovation of the courthouse, community meetings, and the design consultation. The community meetings, one was done on December 18, 2007 and that community meeting was done by Mayor Baptiste and at the time, Parks and Recreation Director Bernard Carvalho, Jr. Last night we had further community input and we have already scheduled possible meetings that we already from last night, we are going to go back on February 25, 2014 to respond to some of the questions the community had regarding the bus service, the bus stop, looking into some of the other concerns as the Chair had mentioned, and what we discussed at the meeting. I will get into that a little bit later. If we need to, we will go back on March 18, 2014 to do the final report and the final commitments to the community as to its uses. Of course we will speak too about the design consultation or what the design of the courthouse is.

Renovation of the courthouse is to allow again, the maintenance of the base yard, public affairs, community meetings, and recreational purposes. At the community meetings, we talked about the improvement to the facilities physically. The previous community input as to what they saw the facility would be used for, as well as from that how the scope-of-work was developed to come up with the redesign of the facility to meet the needs of the community. So, that would be the overall needs of the center. From this, the facility improvements again includes ADA improvements to the walkways, the doorways et cetera, asbestos removal, and to improve the septic system that is already in place or lack of currently. At the community meeting on December 18, 2007 what came out from that meeting via the minutes that we have available to us is that the community said they wanted a neighborhood center or a senior center; possibly a Kaua'i Community College (KCC) North Campus; multimedia training center for youth; an emergency facility for Police and Fire, hardening the facility as a place where during natural disasters and emergency situations the community had a place to go. Other considerations were a kitchen, small meeting rooms, and sounds taking into account the surrounding community. From that meeting based upon those community needs, the scope was developed in terms of what the construction of the inside was done. The needs were given to the consultant, but we had to make some decisions mainly really the facility was not big enough to have classes like a KCC North. So, as you can see, that was not part of the scope. We took that and this is what we came up with as far as design the design inside that would have activities and classes for seniors and youth, training classes for County personnel including Fire and Police out there, meetings for various community organizations or for the community in general, special events whatever that may be, the bus stop and bus shelter, a holding center for the community when the river floods or other natural disasters occur, and a holding center for the Police and Fire during these natural disasters should they need a place to call home temporarily while these things occur.

To date, the community center for the Hanalei District was to provide activities for exactly what we just had mentioned, for seniors and youth; classes for

all ages; we would hold meetings; community events; we would allow for an area for Police and Fire; and resources in times of disasters. Now, the term recreation as was part of the E.O., recreation can take the form in different ways. Recreation does not necessarily have to do with playgrounds, organized basketball, or running around. Recreation programs for youth and seniors as we have it today could include different classes, Zumba, hula, jiu-jitsu, wrestling, or whatever the case may be. Those are considered recreation. So, that is what it is when we consider recreation and programs. On our deliverables, during this process and this process occurred prior to my tenure, the Notice to Proceed for the design work for the current contract and we are using the same consultant, was given on April 23, 2010. The previous contract was suspended on the 21st and we had to go out and get a new contract. Luckily, we were able to get the same consultant. On April 20, 2011 as we moved through the permitting process through Special Management Area (SMA) Review – and this one here is erroneously put in as a Planning Department. This actually came from Engineering, that we were notified that flood proofing would be required of this facility. The flood proofing as Chair had alluded to as one of his questions, would entail providing a three (3) foot high wall directly outside around the building to make the building flood-proof. This project site as noted here in this bullet point, and this is taken from the SMA application, is located within the Flood Zone AE which would be Figure 3 on your next page, on page 17. For your benefit of your eyes we have a bigger copy of it on the next page to help you see. The area is subject to inundation by a one percent (1%) annual chance of flooding and base flooding elevations are determined by the Federal Emergency Management of 2005. The base flood elevation is estimated at between twelve (12) to thirteen (13) feet above the main sea level. Because we are within this area here as I am showing here, Flood Zone AE would be this area here as depicted by the blue, it wraps around here, and this is where our project is currently situated. Page 17 would be this slide, but to help you view you can look at the following one, there is an insert that is not shown to help you where AE is.

This is the example of what would have to be done to the door in order for flood proofing to occur at the facility. We would install, and this was taken from the Waimea Wastewater Treatment Facility, where on one of my visits I noticed this and I asked them about it. They are in a flood zone, so this is what was done for them when they did the renovations to that facility. These metal plates would be installed and these are about three (3) feet high. This would be the gate that would sit here and this bolt looking thing for the sake of a better term, would get inserted there and screwed in to make it water-tight. Now, when I picked up this metal gate there I estimated it to weight between maybe fifty (50) to sixty (60) pounds. So, it would need someone to carry that to install it for us should a one percent (1%) chance of flooding occur at this facility as it was given to us because it was done to us. So, we are moving through the permit process, this gets thrown at us and we had to make these adjustments in our design. Since we are on this subject, we did speak with the community and we did talk about the aesthetics of having a three (3) foot high cinder block which if you look here, it would probably be if you think a block is about ten (10) to twelve (12) inches, would be about this high. Something like this that would be place outside of the building up against the wall. A lot of discussions were made if this was the only type of material that will comply to this requirement and so I gave the community my commitment that we will be looking, I will contact the consultants and work with the Department of Public Works to see if this is the only type of material that can be used to satisfy this requirement and if it is, then we need to come up with some kind of possible aesthetic to somehow blend into the building or make it more attractive to the natural surroundings similar to what we did with the path in Wailua. If you look at that wall fronting the highway,

we have some earth tones with some designs of fish and whatever. I think we can possibly do that. I did not make that commitment, but I am doing the research and I will get together with the Department of Public Works to see if we can work with the consultant to somehow satisfy, and whatever different type of material would be okay.

The Planning Department requires us to put a possible sidewalk fronting the facility and I have a meeting scheduled for tomorrow. We tried to get this meeting with Hawai'i Department of Transportation (HDOT). It was pretty hard with different schedules and what have you, but we finally have one tomorrow and we will have this discussion. This is exactly how it was written in our permit to comply with this portion for Planning. "An Americans with Disabilities Act compliant pedestrian walkway shall be constructed along the entirety of that portion of the property fronting Kūhiō Highway, and it shall be designed to connect to any future walkways located on adjacent parcels..." This part here is why we need to meet with HDOT and to me, the meeting is important, "...subject to the approval of and/or no objection by the State of Hawai'i Department of Transportation." Chair has mentioned that the road fronting there has been designated as a historical road and also the surrounding areas. We have a historical church across the street, but really, we need to get with State Department of Transportation (DOT) to also see what their plans are for the road. If they have objections to us putting a sidewalk there for whatever reason, then in my reading of this, it would not apply for us to comply with this requirement by Planning. However, if there is something that State DOT would be okay with for community benefits, then in our meeting last night it was very clear that the one type of sidewalk we will not have is a curbing cement sidewalk as we are used to here. They want something to blend in more with the grass and more like a path, not a sidewalk. We will work after our meeting with HDOT tomorrow, one way or the other if it is a go. Also we need to talk to Lee Steinmetz who is working on Complete Streets and sidewalks. We do not just want to put a sidewalk there and not take into account what might be coming with the other properties. So, we will be working with Lee, Department of Public Works, and whoever we need to work with to cover this.

Again, the design consultant, the project scope would be again removal of asbestos. Asbestos assessment was done. We did the survey. The next thing we need to do is the asbestos removal, ADA requirements need to be completed, and septic improvements also need to be done. The renovations would include replacing the roof, the windows, interior modification will be done to enhance or to meet what the community would like to see in terms of activities there, the doors, the bathroom fixtures, flooring, and the painting of the facility. To-date, the cost projection so far as I mentioned earlier, asbestos survey completed. The plans and the design cost originally was seventy thousand dollars (\$70,000). We needed to add another thirty thousand dollars (\$30,000) for additional costs for the redesign to include the floor proofing of the facility. So, the total cost for the plan and design is about one hundred thousand dollars (\$100,000). The facility renovations originally was estimated to be six hundred fifty thousand dollars (\$650,000). With the additional costs for the permitting and the flood proofing of the facility of seventy thousand dollars (\$70,000), we see a possible cost of going up to seven hundred twenty thousand dollars (\$720,000). So, if we add the plans, design, and construction we are looking at a price tag of about eight hundred twenty thousand dollars (\$820,000). I am sorry. Oh, sorry. I will just do this then for now. You are right. It looks like eight hundred twenty dollars (\$820) right?

Chair Furfaro: It means you are going to do the whole thing for eighty-two thousand dollars (\$82,000), not eight hundred twenty thousand dollars (\$820,000).

Mr. L. Rapozo: Oh, not eight hundred twenty dollars (\$820)? It looks like a point over there. What a bargain we are getting.

Chair Furfaro: Lenny, is that the summary at eight hundred twenty thousand dollars (\$820,000)? I did not see a line you put in there for a contingency.

Mr. L. Rapozo: That would be automatically part of the eight hundred twenty thousand dollars (\$820,000).

Chair Furfaro: It is in the eight hundred twenty thousand dollars (\$820,000)?

Mr. L. Rapozo: Yes, it would be about a fifteen percent (15%) in the contract.

Chair Furfaro: Fifteen percent (15%)?

Mr. L. Rapozo: Yes. I am hoping that our bids of course would not be as high, but that is what we are planning for based upon the consultant. This is the existing floor plan as we know of it today at the old Hanalei Courthouse. This is the proposed floor plan as we have made some design changes. This would be the old courtroom which would be open for larger meetings, a kitchen area, and I want to be very clear that the kitchen area would be a serving kitchen. We did not feel the facility was big enough to have cooking, but serving kitchen where food is prepared outside. There will be a sink, counter space to serve, a meeting room, a breakout meeting room, ADA restrooms, another meeting room here, and because it was brought out to us last night that when you look at the exterior design, the exterior design changes the historical look with windows, but those windows were placed smaller because now the bathrooms are located here. You cannot have big windows in bathrooms, but through some discussion after the meeting we will check with the consultants if there is some way that we can somehow blend in these smaller functioning windows and still keep the possible look of having the original window space there to help try to keep its historical character.

To address the flooding, in our SMA application of what the consultant did, it was noted that we are not changing the topography of the current facility other than putting in improved septic systems. The community did say that when it rains there a lot there is flooding involved in that area on the street by Mahimahi and in front. So, I need to connect with not only our consultants, but Department of Public Works as a result of last night's meeting to look at that issue and see if anything can be done. Someone also did say at the meeting last night that hopefully that is just the way it is there and I do not know. We need to reexamine that. I want to add to our deliverables and I wanted to get an update this morning. This comes from the Project Manger of the Department of Public Works that we do have our Planning Class IV and SMA permits in hand. The building permits are in the works. That will happen after we have the decision on the sidewalks which will take place tomorrow so that the finalized construction plans can be finalized and then we can get our building permits. So, we can submit for the permits by late

February and at the same time, go out to bid in February and hopefully opening an award in March. Thanks to the Mayor and this body, the Council, the funding is in place in our Capital Improvement Project (CIP) budget. So, we do have the moneys to move forward with the project and we are working as quickly as we can to try and move this project. I think I covered everything that we talked about last night. Chair, any other questions that you might have?

Chair Furfaro: Is Celia involved with – I just do not want to have a generic bus stop put in the most historic place on the North Shore.

Mr. L. Rapozo: Thank you. Yes, that was brought up and I talked to Celia prior to the meeting. She could not make it to last night's meeting so she is going to be there in February. That also was brought up by the community, that they did not just want to have the standard bus shelter and Celia is going through the process of putting bus shelters all over the island. For maintenance reasons, it might have been standardized, but she is going to come to the February meeting to have that dialogue with the community. How much can we do? Can we have some leeway? Last night there was a community organization there willing to say, "Hey, what can we do to help build something there?" I told them, "Well, this project will go out to bid for a general contractor." They can probably help maintain the place and improve the maintenance of the place, which they seemed to be very open to and maybe this bus shelter if we want to deviate from what Celia had in mind. Of course, I am not going to answer for Celia, but she will come out in February to have that discussion with the community. Thank you for reminding me about that.

Chair Furfaro: Questions for Mr. Rapozo members? Go right ahead Vice Chair.

Mr. Chock: I was tracking a few calls about the sidewalk and I am glad that we are kind of leaning towards making it less inconspicuous and providing some sort of pathway instead, but I wanted to see if Lee was also involved in the overview of the whole town because there is a lot of foot traffic moving through to the beach from all of the different locations. So, I just wanted to make sure that that was part of it, maybe some consistency between what is happening at the courthouse along with any future plans in Hanalei Town. Thank you.

Mr. L. Rapozo: That is why I mentioned that we are not just going to put it. If the meeting with HDOT tomorrow says, "No objections," you folks should really consider that based upon whatever they say, then we should look at the whole thing rather than just say we are going to put it here. Yes, you are right. We need to get together with Lee. Whatever happens at tomorrow's meeting will predicate what our next steps will be with the path. We are not using the term sidewalk because they do not want a sidewalk. They want a little path to traverse through there.

Chair Furfaro: Councilmember Yukimura.

Ms. Yukimura: Thank you, Lenny. On the septic improvements, what exactly is that going to be?

Mr. L. Rapozo: My understanding is that we do not have any kind of septic system. We need to close the current system and put in a septic system. So, that would be the improvement.

Ms. Yukimura: Right. Do you know what cost that would be?

Mr. L. Rapozo: No, I do not have that exact cost right now.

Ms. Yukimura: When you looked at the flood maps, does that take into account global warming and sea level rise?

Mr. L. Rapozo: That would probably be a question for the Federal Emergency Management Agency (FEMA) group that has done the map.

Ms. Yukimura: I saw preliminary maps showing if there is one (1) foot or two (2) feet in sea level rise what that looks like laterally on the land, not for this particular location, but for another part of Kaua'i. There is this issue of – it will affect Black Pot too, but of seepage into the bay when the water table gets higher and if you have sea level rise that means a higher water table more inland, I am thinking.

Mr. L. Rapozo: I would tend to agree, but to move this project forward we got this mandated because of what I presented where the location is in this flood zone. So, we are complying with the requirements of the flood plain area.

Ms. Yukimura: Okay.

Mr. L. Rapozo: But I agree with what you are saying. We are doing something that according to this, has a one percent (1%) chance.

Ms. Yukimura: What are the staff requirements?

Mr. L. Rapozo: Staff requirements for the facility? We are probably going to have one (1) manager there like we do at all other facilities. We tend to run it like we do with other neighborhood centers.

Ms. Yukimura: One (1) manager at Kīlauea has a much bigger scope-of-work than one (1) manager at that place. Have you looked at any other alternatives, part-time? What kind of costs are you looking at?

Mr. L. Rapozo: But then again, if we want to run programs like senior programs and in most of our centers, senior programs happen from 8:00 a.m. to 12:00 p.m. daily in some areas. If you want to get a camping permit, this would also provide you another place to get a camping permit. We need to make reservations for other facilities. This would provide that. The distance between Kīlauea and Hanalei may not seem far, but I think if you make the drive, I think it becomes a challenge to manage both facilities and based...

Ms. Yukimura: Oh, I am not suggesting that the Kīlauea person manage both.

Mr. L. Rapozo: Yes, I understand that, but when we looked at the operation of the facility, that was a consideration because that is kind of like what is happening at Anahola Clubhouse where the Kapa'a Manager and that call was made before me. So, we looked at possibly that type of situation there, maybe part-time. I agree with you that maybe it is a small facility, but the facility might

be small in building, but I think the needs of the community in terms of what might be going on at the facility may require a full-time person there.

Ms. Yukimura: Well, have you assessed the needs of the community?

Mr. L. Rapozo: Assessed the needs by what their wants are?
Yes, we looked at what they want.

Ms. Yukimura: No, not just by asking people what they want, but by looking at how many seniors live in that area, and what type of seniors. It may not be the daily senior center-type. I do not know. There are different kinds of programs such as classes or dance, what kind of floor area. How are you coordinating it with Hale Halawai 'Ohana O Hanalei in terms of what their facility is offering? Have you done that?

Mr. L. Rapozo: Exactly. We have talked to Hale Halawai 'Ohana O Hanalei and...

Ms. Yukimura: Could they not offer camping permits there and what about the technology of camping permits and those kinds of things?

Mr. L. Rapozo: Well, if we want to talk about camping permits at Hale Halawai 'Ohana O Hanalei, I would not want to put that upon them because then we are going to have to require them to be – certain protocols that Finance Department requires us to get moneys and whatever. I felt that a full-time center manager to help with community needs and to have someone there is warranted. If you want to know numbers with the amount of seniors, we have not done that exercise, but I think we do still have time if that is something you believe that we should look at, we can.

Ms. Yukimura: Well, it is not just seniors. It is the whole age range in terms of what kind of program planning you are doing. Then the use of technology, if people can get camping permits through the Internet, do you really need the manager there to do the camping permits?

Chair Furfaro: Why do I not suggest this, excuse me, Councilmember Yukimura. Why not on the next update we expand the scope of the discussion of the actual operation and put it on the agenda, giving Lenny some time to get back to us on some of those recommendations because today's agenda item is really design, construction, and so forth? I think that Councilmember Yukimura raises some very good points that knowing what the end use would be, we probably want to incorporate some things in what would be the final design.

Ms. Yukimura: Well, I appreciate the Chair's suggestion. The thing is that usually, and I am concerned about the Adolescent Drug Treatment Center too. You figure out the uses and you consult with the users in the design of the improvements in the building. That is why sometimes you kind of waste money if you design first and then you have to retrofit or you have to change the design.

Chair Furfaro: Good points.

Ms. Yukimura: So, to move ahead design without a clear picture of what the use is going to be can sometimes be costly.

Mr. L. Rapozo: Well, the uses was done in 2007, what the community thought they may want. We took that and worked with the consultant to best facilitate those types of activities. We are considering that it is not a new facility where we could not build out, but keeping with the current footprint of the exterior.

Ms. Yukimura: Right. So, I think you are right. If you were to design a whole new building, that is one thing and this is an already existing structure so you are right about that. Now, the thing is one of the uses and I am somewhat jumping around, but one of the uses is a holding place for Police and emergency? Where do you have that stated? Oh, emergency facility for Police and/or Fire for natural disasters and emergency situations. If it is a tsunami, it is not going to be – that is in the tsunami zone right?

Mr. L. Rapozo: Yes.

Ms. Yukimura: So, to make it a Police or Fire place does not seem to make sense. It would probably be up at Princeville for that purpose.

Mr. L. Rapozo: Councilmember Yukimura, in that situation you are correct, but last night there was also people that said they went there during the last hurricane and that was the place. During the last river flooding that occurred down there during heavy rains, the Police and Fire had no place. They told me that the ambulance was located out in Hā'ena and then they have to respond back. They have asked us if they could use that in its current condition and I want to give them a key, but conscientiously how can I give these people a place knowing that it has asbestos in there? They are going to be exposed to these things and yet they still want it and the community said that they think it would be appropriate. I agree with them.

Ms. Yukimura: I see. Okay.

Mr. L. Rapozo: But during a hurricane or a tsunami you are right. Nobody is going to be hopefully in that town trying to bang on that door. They are going to head for the hills or get up to Princeville. They are going to go up by the Japanese graveyard or they are going to go up that valley.

Ms. Yukimura: So, on page 15 the last item, "holding center, substation for Police and Fire during natural disaster like hurricanes, tsunamis, and floods," that is out, but holding center for community when the river floods is still a useful function of that building?

Mr. L. Rapozo: Yes.

Ms. Yukimura: Okay, thank you for clarifying that. It is still an active base yard for North Shore operations, right?

Mr. L. Rapozo: Yes.

Ms. Yukimura: Is that still the best site or is there any consideration of another location?

Mr. L. Rapozo: I think I would pass that to my friend, Larry Dill since that is his base yard.

Ms. Yukimura: Okay. I am just saying that, I mean because there is also the Kaua'i Bus needs for a base yard for the bus.

Chair Furfaro: Okay, I want to say right now. Councilmember Yukimura is correct in that our consultants advised us that to improve operational efficiencies and performance of the bus. We should be looking for a West Side base yard and we should be looking for a North Shore base yard. That is a scope that needs to be put in the agenda very soon and would include the base yard. I think it is very good points because this is what our consultant is telling us. It will save us operating costs, park and rides are available where it is going to be located, and so forth. The agenda item today is the repair and upgrade of the design cost and construction cost for the courthouse with its preliminary uses being identified. We also know that it is used as kind of a collective place when we have operations that require some centralizing of response teams and so forth. I mean, that is why we bought that type of fire trucks that we have so that one could be on that side of Kuna Ditch and going over the river, but that is not today's agenda item and I would like to suggest that after we have your final March meeting, is it March?

Mr. L. Rapozo: Yes.

Chair Furfaro: If we come back one (1) more time and we expand some of this discussion and we have Transportation people here as well as Mr. Dill with some feedback on those. So, I am going to request Councilmember Yukimura, to help me expand the scope on this discussion and have it posted again in March.

Ms. Yukimura: Even as I think about it, if it is in a tsunami zone any base yard function whether it is Public Works or bus base yard could be a problem. I mean it seems like it would be moved logically in high ground so that you can respond in times of emergency. Your base of operations is not in a flood plain that would really help. That may very likely may not be the best place for a bus base yard, but maybe not likely the best place for a Public Works base yard either if you think about recovering period if you are having to – anyway. I was just thinking that if you have 2.99 acres, that is like a three (3) acre parcel right there. Sure, I think we should make that place temporarily available, but what is the long range vision for that too and now would be the time to look at it? Eight hundred thousand dollars (\$800,000), maybe that it is not too much for a temporary repair.

Chair Furfaro: On the eight hundred twenty thousand dollars (\$820,000), I am going to ask Mr. Dill to come up with you for a second because that is not the number we have in our CIP budget and I want to get some clarification. That is coming up in a few more minutes, and I will ask Mr. Dill to come up, but in the meantime Mr. Kagawa has the floor and then Vice Chair Chock has the floor. Mr. Kagawa, you have the floor.

Mr. Kagawa: Thank you, Chair. First of all, I want to start on a positive note and Lenny, I want to thank you. I have been here one year (1) and one (1) month and I have seen a lot of progress with Parks.

Mr. L. Rapozo: Thank you.

Mr. Kagawa: I want to thank you on that. I just want to name a few; Po'ipū Beach comfort station, the Wailua Golf Course renovation and I am pleased that at least in this year I have seen a lot of these plans come up before us on these presentations and they have come to fruition. So, I look forward to this project being the same way that we move hopefully in a year and see that same type of progress. In planning of the renovation, have we looked at other successful neighborhood centers in planning out the rooms and the use because it looks like it is similar to a neighborhood center where it is multi-use and we have one (1) big area in the middle that can be used for Zumba or whatever? Is that how we kind of planned it out?

Mr. L. Rapozo: Yes. We always need meeting rooms, not necessarily just one (1) big meeting room. So, based upon we do and other neighborhood centers, that is how the scope was crafted.

Mr. Kagawa: So, to try and use the existing shell, but yet, the Judge's Chambers you folks split it into a storage and an office.

Mr. L. Rapozo: And also I think taking into account weight bearing walls and how that does all play into holding up the ceilings and things like that. I think that was all taken into account to try to maximize the space for the best usage of what was identified at that time.

Mr. Kagawa: And at the most effective way of not I guess, overspending cost to kind of use the shell and maximize the best use that you could figure out.

Mr. L. Rapozo: For the space.

Mr. Kagawa: Well, I appreciate that kind of planning. I have no questions about asbestos removal and all of that other septic things. That all needs to be done. I have no question and it is going to come at a cost. So, I appreciate you folks looking at those things first with the demolition. I guess my final comment is I agree with Councilmember Yukimura that it is nice to have where we want to be and then go forward with all of the renovations instead of a year after completion, then we have to change orders to try and meet some of the new needs that come up. I know it is not as simple as it seems and sometimes you get different ideas that come up at later dates. Hopefully, we can just get it done and I think the community will appreciate that we got it done in a timely manner and I think they will utilize the space the way it is made as long as it is safe and has the adequate restrooms and what have you. I just want to thank you for your presentation and I want to offer you my support in anything that we can get it done faster.

Mr. L. Rapozo: Thank you, Councilmember Kagawa. I appreciate that.

Mr. Kagawa: Thank you.

Chair Furfaro: Vice Chair, you have the floor.

Mr. Chock: I just wanted to ask about parking. Do you have a plan for how many stalls you want to add in?

Mr. L. Rapozo: The parking is there already. It should not change.

Mr. Chock: So, it is going to remain the same amount?

Mr. L. Rapozo: Yes.

Mr. Chock: Okay, because I know that a lot of people use that area as well, the parking. Especially if we are wanting to create a space for disasters and so forth, I was just wondering what we might have in place in terms of addressing where people are going to park. Sometimes that is an issue. Now that the area is being used more and more, I see people parking in there already.

Mr. L. Rapozo: Yes, they do.

Mr. Chock: Thank you.

Chair Furfaro: Lenny, if we expand this piece and we can talk again after your two (2) follow-up community meetings, I am going to work with Councilmember Yukimura to kind of expand some of the general plans in the next posting, but in the meantime and Larry, maybe you can come up and take some notes here. I want you find out what is going on there with CIP especially when I go to specifically Parks Trust Funds for Hanalei. We have a number here that is eight hundred twenty thousand dollars (\$820,000) and yet we have available to us, and this is a balance after a previous carryover allocation of three hundred twenty-three thousand dollars (\$323,000) and then in the proposed budget we added four hundred thousand dollars (\$400,000) to give us a total of seven hundred twenty-three thousand seven hundred dollars (\$723,700) and that indicates to me in comparing these two (2) pieces that we are about one hundred thousand dollars (\$100,000). I would like to ask that question of you with Lenny present so that maybe the two (2) of you can go back and visit with Keith Suga. I will send this over in a written form, but I do not want to be putting my stamp of approval to find out that we have to go take one hundred thousand dollars (\$100,000) from another project without knowing it in advance. Now, granted Lenny did share with me his eight hundred twenty thousand dollars (\$820,000) had about a fifteen percent (15%) contingency and we know that is close to eighty-five thousand dollars (\$85,000). So, maybe the money is not detailed here because the contingency is not available. These are very identified North Shore Trust Fund Park account money and it looks like we are short a few dollars, well, not a few; one hundred thousand dollars (\$100,000). If you could watch for my communication and please ask Keith to respond to that because it will come up again. We will do this sometime in March. Could the septic system – could that one hundred thousand dollars (\$100,000) be budgeted somewhere else and that is what the difference is? Would one hundred thousand dollars (\$100,000) be in Wastewater, Capital Budget versus being in the Bond Trust Fund account?

LARRY DILL, P.E., County Engineer: Chair, for the record Larry Dill, County Engineer. I will have to get back to you on those questions. If you send over a communication over...

Chair Furfaro: That is possible that new septic system is somewhere else?

Mr. Dill: I would say it is possible, but it is not likely.

Chair Furfaro: Well, those are the kind of stones I want you to turn for us.

Mr. Dill: Sure.

Chair Furfaro: More questions? JoAnn, go right ahead.

Ms. Yukimura: Lenny, the three (3) foot high wall around the building, is that still in the plan?

Mr. L. Rapozo: Is that still in the?

Ms. Yukimura: In the plans.

Mr. L. Rapozo: Yes.

Ms. Yukimura: Okay. Who is the consultant?

Mr. L. Rapozo: I need to come back with that one. I believe it was Akinaka & Associates, but I thought it was Akinaka & Associates, but I need to come back. I will send over an E-mail for you.

Ms. Yukimura: Alright. Thank you.

Mr. L. Rapozo: I should know that, but right now I just drew a blank.

Ms. Yukimura: No, I am sure you are dealing with a lot of projects. So, do not worry about it. You can just come back with that. Then, I guess I want to ask some consideration about the staff requirements and see if there are other ways to handle it. It really kind of depends on the use. If it is like you say Lenny, the daily Senior Centers, that is one thing, but I am not sure the North Shore is going to have that. Also, I am hoping in the future we can get whether through a North Shore shuttle or the regular bus system if you have the bus coming every fifteen (15) minutes, it is not that hard for people to get from Hanalei or Princeville to Kilauea Senior Center. I mean we have to think of some things that will be connected by transportation because even like the high school kids with their Kaua'i Performing Arts Center, they cannot have a center in every high school. So, they are doing it at one (1) center, but then transportation becomes the key for getting people there. There is some kind of planning that can go along that way and if it is just using keys for meeting, conceivably they could pick it up at Hale Halawai 'Ohana O Hanalei. I am just asking this because we were told that we have budget that cannot afford more positions. So, I am just asking for you to look for some creative ways, but that depends on you. So, that is why my question about surveys and exactly what kind of use is going to be there. Thank you.

Mr. L. Rapozo: Thank you.

Chair Furfaro: If we do not have any more questions, we do have two (2) people signed up to speak on this item. Larry, you will watch for my question on the financial part? Thank you. Do we have speakers signed up?

Mr. Watanabe: Yes, we have two (2) speakers. First speaker is Carl Imperato followed by Maka'ala Ka'amuoana.

Chair Furfaro:

Good morning Carl.

CARL IMPARATO: *Aloha* Councilmembers. My name is Carl Imparato and I live in Hanalei. I want to begin by thanking Chair Furfaro and the Council for the interest in ensuring that the public is involved in the critical design issues related to the restoration of the courthouse so that it can be a public facility that the community can be proud of. As Lenny indicated, the Department of Parks and Recreation had a very productive meeting with the community yesterday evening and so what I want to just do here is point out those important issues that are still of concern and warrant your attention. First, regarding the use of the facility, the uses referred to by Lenny, the list that came up in 2007 and it was a similar list that the Community Association came up with was really a laundry list of ideas. Just because something was on that list did not indicate that it was a high priority idea. So, there was that list. I think that there was a general consensus that the primary use for the building should be as a neighborhood meeting facility and as a neighborhood activity center. It should first and foremost be used to provide space for local group meetings and then if the community sees a need for them, for senior activities, after school activities, education training activities, et cetera. That need needs to be I think, more flushed out, the need for the scope of that. Of course care will have to be taken to ensure that the activities that occur after dark do not disturb what is currently a quiet residential area. The other thing that came out that is very important is that the facility should also be designed for use as an emergency facility for the Police and the Fire Department use or for sheltering stranded people during road closures and certain other types of emergencies, certainly not tsunamis and maybe not even hurricanes depending where the storm surge it projected to come from. But primarily people were thinking about the road closures when people get stranded. So, that is the uses.

The second major area is the design of the facility, the exterior design of the facility. There are four (4) significant issues that really need to be resolved with the input of the community hopefully before the County makes final design approvals. The first is the issue of sidewalks versus paths. As Lenny pointed out, the Planning Department requires that there is an ADA pedestrian walkway be constructed along Kūhiō Highway and probably there will be something similar on the Mahimahi Street side where the bus shelter is projected to be. I think that in the community there is a general consensus that a path not a sidewalk, not curbs and gutter, but a path is acceptable provided that the design is truly context sensitive to Hanalei's rural character and the historic area. The Council of course, has also indicated several times during when complete streets came up for discussion, that implementation should take into account local context and sensitivity to community character. So, here, the important question is whether the community is going to be able to provide input so that they outcome is not a six (6) foot wide straight concrete path.

Mr. Watanabe:

Three (3) minutes.

Mr. Imparato: But something that is more maybe winding and textured. Something that is more rural and consistent with the General Plan still meeting the ADA requirements and all.

Chair Furfaro: three (3) minutes. Just continue.

Carl, just continue, but that was your first

Mr. Imparato: Thank you. On that same point, we need a concept that is consistent with the General Plan for all of Hanalei's roadways and I know Lee Steinmetz and some of the County folks do intend to meet with some community members. We have a meeting scheduled in March to sort of go over some sort of General Plan. Again, hopefully the timing of these things will not clash with moving forward on the project. Second external issue is that three (3) foot high flood barrier that Engineering requires to be built around the building. Unfortunately, the current thought was that it was going to be a three (3) foot cinder block attached to the building, that could be a real mistake as it would mar one of the most beautiful places in Hanalei. So, a real effort needs to be made to achieve that the flood protection goals with materials and the design that is a visual asset. I know Lenny's talk should be open about that as well. But again, hopefully this will be done with community input rather than something that just comes from Lihu'e.

Third, is the design of the County bus shelter and bus stop. That is very critical because I have been aware that the Transportation Agency would rightfully try to look for standardized designs for bus shelters throughout the County, but there needs to be exceptions. Putting a modern looking urban facility next to this historic building I think would be a terrible mistake. So, here again, we would like to work with the County and the community to come up with something that is more appropriate to the site. I hope that the Administration will be flexible and the Transportation Agency to come up with something with community input as well.

Finally, there is the landscaping plans for the overall property including the base yard. I do not think they have been very well defined as this point. Currently, the lot is pretty much an eye sore and it does not have to be that way if people do not want it to be that way. Again, Lenny has pointed out that yesterday that the Rotary Club did indicate an interest in helping out on things and that might be an area. Again, provided that this gets done with community input and all. The bottom line is that one of the key objectives of the rehabilitation should be to create a facility that is useful, but also one that is a visual asset to Hanalei and Kaua'i rather than ugly and utilitarian. I hope that you indicate support for that goal. Unless there a tsunami washed through the area, we are really only going to have one (1) chance in our lifetimes I think to make sure that the courthouse restoration project is something that is aesthetically pleasing and enhances Hanalei and the North Shore. I think that both the Administration and the Council recognize that and they hopefully will work with the community in coming up with a solution. It was back in August of 2006 actually, seven and a half (7½) years ago, that the Hanalei to Hā'ena Community Association kicked this off by writing a letter to Mayor Baptiste asking that the County develop a plan to bring the courthouse back into use as a community facility. Now that the project is finally underway it is important even if it takes a little more time to do it right. So, I am a little concerned about things going out to bid in February because once things are out to bid maybe the design gets locked in. If we can, great, but again, overall there needs to be I think, community consensus on the design issues. In closing, I want to give a healthy thank you to Lenny Rapozo and the Department of Parks and Recreation for really being willing to work with the community. Thank you.

Chair Furfaro: Thank you for that comment toward Lenny and his staff. It is much appreciated. Questions for Carl? Go right ahead Mr. Kagawa.

Mr. Kagawa: Carl, I want to thank you for always bringing up some of the other options. For example, the three (3) foot wall, what do you envision as a general option to having that? I agree, having a man-made wall in comparison to something more natural would be a better option for me, but do you have any suggestions on that?

Mr. Imparato: I do not have a lot because I do not have that expertise, but what struck me is that instead of having cinder blocks around the whole building, one (1) possibility is since the building going to have a major redesign and I do not know what this would cost, is to put in an impermeable surface sort of under the exterior. In other words, you take off the exterior cladding the fake wood and you put an impermeable surface around it and then you just put the wood over it again so it looks good. I do not know if that works or not, but it seems to me that the alternative can not only be concrete.

Mr. Kagawa: Yes.

Mr. Imparato: If we are not talking about velocity, we are not talking about a tsunami event, we are just talking about water for that one percent (1%) chance when there is flooding. If you put sheet metal around the whole thing and then cover it with cladding again, maybe that is a solution that is not visible.

Mr. Kagawa: Well, I think we had agreement in the past about what was acceptable walkway and for me, concrete is always the last alternative. I like to see us keep our rural aspect as much as possible. I think anytime we go with more concrete it looks more like the mainland and I want stay away from that.

Mr. Imparato: Okay, and I am sorry. I was talking about the wall, but as to the path.

Mr. Kagawa: Yes, I am talking about the path now. I kind of switched channels.

Mr. Imparato: Yes. I think there is a goal that we should try to make things that are permeable surfaces first of all if there is materials that are permeable because we have the water issues, but also something that instead of being straight line it has a little bit of winding, it has some color, and some texture. It does not necessarily need to be six (6) or nine (9) feet wide. We are not talking about having something that is a really high use environment.

Mr. Kagawa: I guess Carl, the part where we all agree too is that at times it is the ADA requirements that sometimes override what we want to see and we have to think of others. I guess that is the quandary I guess.

Mr. Imparato: Well, I have high hopes for the meeting with Lee Steinmetz, Marie Williams, and others. They are willing to come out to Hanalei in March and we will walk because some of us had put together a concept possibly for all of Hanalei and maybe there is something that we can come out with.

Mr. Kagawa: Thank you, Carl.

Chair Furfaro: Other questions for Carl? Carl, thank you very much, but it will be my intent to have another visit with this item and more of a summarized final form touching on some of the operational issues as well, not just the construction pieces. I do want to encourage, what we have is this ongoing piece of emergency plans for Hanalei and I am going to be encouraging the Planning Department to – when we talk about our General Plan update to maybe identify that as an issue for the North Shore. My wife as a little girl, she sat on the hillside at Lumaha'i for the 1957 tidal wave, but how do you get out of Hanalei, the bridge? There is Masa's family old landing to cross the river to go up to Princeville, there is the Kuna ditch that comes up behind the parcel that goes up to the Princeville agriculture subdivision. Those things have to be discussed because today alone, it pointed out some real needs.

Mr. Imparato: Maybe Maka'ala when she does her presentation, can touch on the disaster resilience planning project that Hanalei Watershed Hui is sponsoring.

Chair Furfaro: Yes, I do know you folks are working on that because I saw the flyer and that flyer was sent over with a little note to me, can this be a discussion item in the next General Plan? JoAnn, you have the floor.

Ms. Yukimura: Thank you. Carl, can you help educate me about this three (3) foot wall? It is designed to do what? Keep that water from hitting the building? Is that the FEMA underlying purpose?

Mr. Imparato: I do not know that much about it, but my assumption from what I read is that just like anyone else who builds a house in a flood zone, they either have to elevate the house or if it is retrofit that you cannot elevate then if it cost more than fifty percent (50%) of the value of the structure, you have to meet current FEMA requirements. So, my understanding is that it is primarily not to deflect water from and other place, but just to keep water from permeating into the structure and ruining the structure. That is my understanding.

Ms. Yukimura: Part of the elevation requirement is the requirement of breakaway walls. So, there is a purpose not to block the water and that presumably is tsunami related.

Mr. Imparato: Right.

Ms. Yukimura: The three (3) foot wall will block. I mean, there will be a dynamic of blocking water, but maybe it is low enough so the water goes over. So, what is the purpose of the wall? It is still going to allow water to touch the building, right? I mean, it would form like a moat and then the water will still be touching the building. If the purpose of the wall is to prevent damage to the budding, then I am not sure the three (3) foot wall is going to do it.

Mr. Imparato: Well, to be clear first, it is not to deal with velocity events. So, it is not to deal with tsunamis.

Ms. Yukimura: Right.

Mr. Imparato: It is just water rising. It is not a question of having energy flow and the wall is not supposed to be, as I understand it, like there

is a castle inside the moat. The wall is actually supposed to be touching, it is basically part of the building. It is continuous with the building and surrounding the building.

Ms. Yukimura: I see. So, it is in fact designed to protect the building from flooding?

Mr. Imparato: Right, and that is why Lenny showed those slides that showed that where there are doorways and you cannot have the concrete wall, that is where you put those other barriers in.

Ms. Yukimura: I see. So, that really clarifies it for me because my picture was of a three (3) foot wall with space between the wall and the building. I should have deduced it from Lenny's pictures, but I am slow. I did not get it until just now that it is basically a water proofing of the lower part of the building.

Mr. Imparato: That is my understanding.

Ms. Yukimura: Okay. And the concern of the aesthetic then, is there going to be a metal piece around?

Mr. Imparato: No, the concern of the aesthetic is that the cheap and easy way to do it is you just put a cinder block wall around the whole building. You have the building and then you put cinder block around three (3) feet high.

Ms. Yukimura: But it sounds like it could be really thin, but strong.

Mr. Imparato: When you talk about CMU, Concrete Masonry Units, I do not...

Ms. Yukimura: No, that is right.

Mr. Imparato: But that is what people were talking about.

Ms. Yukimura: But what Lenny showed was metal.

Mr. Imparato: That was just for the entrances. That was just at the doorways.

Ms. Yukimura: Surely there must be materials experts who can help us. That is why we need to know that purpose because if we want to know alternatives, we have to do what the purpose is. Well, thank you for the clarification. This was helpful to me.

Mr. Imparato: Agreed, and that is why the idea is let us do this fast, but let us not do it so fast that we do not get the good alternatives in there.

Ms. Yukimura: Right. I mean color, texture, and strength of materials, those would all be the issues we would look at. Thank you so much. Now, I do not see that wall as a separate wall. It is actually part of the wall of the building. Okay, thank you.

Chair Furfaro: Any more questions for Carl? If not, Maka'ala. Thank you, Carl. Carl, have a nice vacation. I understand you are traveling on Friday.

MAKA'ALA KA'AUMOANA: *Aloha.* I am Maka'ala Ka'aumoana and I appear today as Executive Director of the Hanalei Watershed Hui. For the past several years we have been implementing a document that was community authored called the Hanalei Watershed Action Plan. A component of that is being completed now which is the Watershed Management Plan. That is an Environmental Protection Agency (EPA) Department of Health funded document. It is in two (2) parts. At some point it will be final, final, final and I will make a presentation to the Council, but it includes the hydrology, the engineering, and the science behind much of the water issues for Hanalei. That is the whole point of it and it includes a set of recommendations related to wastewater, one of which is we missed a golden opportunity when we – and I say we, because we participated in the upgrade that was required of Tahiti Nui. I want to give credit to Christian Marston for trying to do the right thing there. EPA was inflexible from their office in San Francisco and he just had to jump and get a system put in. It is a better system than it was, but it is not the system that I hoped we can do for the courthouse. The system we have in mind and I will not call out the manufacturer is being approved as we speak by Department of Health because it is new to the State. It is a tertiary system. It is a three (3) tank system. The water that comes out at the end of the process is nearly potable. It is not that much more expensive when you are talking about large capacity septic systems which are always around seventy thousand dollars (\$70,000). It is the system that is approved by Malibu and Lake Tahoe. Both areas are very, very stringent in their regulations are requirements for individual wastewater systems. So, it is a tested system. We do not have to be the first in the world to do it. Our Watershed Management Plan recommends the use of that and we need the County to step up and be the example of what should be done. There are very few place in Hanalei that would be required to have a large capacity wastewater system and again, I say we missed an opportunity at Tahiti Nui and I will forever be sorry about that and hope that someday we can still do the right thing there.

As it relates to flooding and those kinds of aspects of life in Hanalei, again the Watershed Management Plan describes features, pieces, and structures that can be employed, but the main one is to reduce our use of impervious surfaces; to let the sandy soil absorb what it can sand that relates not only to this wall which I am still concerned about. I am very concerned about the aesthetics, but Hanalei folks are handling that well so I can focus my attention on where will the water go. If you divert it from a wall, are you sending it to Aloha School? As we looked at the SMA permit, my testimony focused on wait a minute, this is an impact to others too. Having said that, I certainly understand the County needing to protect its assets and provide something, but that needs to be part of the discussion here. We did have the discussion with ADA and there are many options for pervious walkways that meet ADA standards for wheelchairs and et cetera that still allow water to flow down through them. So, concrete is the last resort. I want to also suggest, Councilmember Yukimura brought this point up, and that some sort of a feasibility study be done on the uses of this building because since we started this, we have a certified kitchen at Hale Halawai 'Ohana O Hanalei, we have a serving kitchen at Waipa, and we have another multi-use building at Waipa. Those were not part of the community conversation when we first started talking about this use. One of the reasons we did the Disaster Preparedness Plan for Hanalei and we are in the final troughs of that now mapping with the community, and I want to plug the fact

that we have an event on February 8th from 4:00 p.m. to 8:00 p.m. where we are having everybody come; the Search and Rescue, the Ham Radio people, the Lifeguards, Fire, Police, Red Cross, and Civil Defense. Everybody is going to be there to get a little bit more public input. One of the reasons that we did that was to look at where our resources are. So, that is in process. Let us not decided what we are going to use this courthouse for until that plan is *pau*. The Police and Fire did say they needed a place to go and they have now keys and arrangements at Hanalei School which they did not have before. That came about because of our planning process and getting the right people to the table. My favorite thing to do is being the convener and then step back, right? Magic happens when you do that. One of the things that became clear in that is that our community has changed. So, those days of Hurricane 'Iniki when everybody ran to the courthouse, we do not know what the vacationers are going to do this next time. We have done three (3) door-to-door surveys for our community to determine the demographics. We are not that same community by a long stretch. By our numbers, we are twenty-five percent (25%) of that community now. So, if the County had a policy that said all visitors out of luck when you know something is coming, that would definitely help us and preparedness plan will be asking you to think about that.

Mr. Watanabe:

Six (6) minutes.

Ms. Ka'aumoana: Sorry. I just want to make sure that the science follows this conversation. I want to *mahalo* Chair for asking for these updates. I look forward to the next one. I apologize that our disaster preparedness planning process is still in process, but it is a community process and I really want to *mahalo* Lenny. I was unable to attend the meeting last night. I know that the community really participated and they felt very, very positive about that meeting and I want to thank him for doing that. They are not always the most fun things to do and we appreciate that. The last thing I would say is when we know better, we do better and between 2007 and 2014, we know a lot more about flood walls, septic systems, feasibility, how many people there are, how people are going to run, how many of our vacationers even know that structure is a place to run to? So, many things have changed, not the least of which is our community and because I can, I am just going to pitch the 2014 Hanalei moon and tide calendar. Once again, this is a Hanalei product. You do not have to interpret the tides from Nāwiliwili and we do not have to wonder when the fish spawn in Hanalei because we tell you that. That is a resilience project. Our Disaster Preparedness Plan is funded by National Oceanic and Atmospheric Administration (NOAA). It is the first of its kind in the State. Hanalei is partnering with the North Shore of O'ahu. It is a novel concept and we are again breaking grounds. It is a little scary sometimes, but we seem to be pretty good at it. *Mahalo* for your time today. I appreciate it. Sorry, I am a little disconnected.

Chair Furfaro: Thank you, and the success of the calendar. We no longer have to look at Nāwiliwili tides and then subtract twenty-three (23) minutes to figure out the Hanalei tide. Mr. Bynum, you have the floor.

Mr. Bynum: Maka'ala, thank you for an excellent testimony this morning and all you do out there on the North Shore.

Ms. Ka'aumoana:

Sure.

Mr. Bynum: I wanted to particularly ask you if you can help with providing the information you can when it is available on this septic

system you were discussing. I agree with you one hundred and twenty-five percent (125%). The County has to set the standard. Councilmember Hooser and I are working slowly on trying to look at the County's response to your watershed plan based on the meetings that we attended last year. I just want to thank you for your testimony and say, is there more material available on this now that you could share offline perhaps?

Ms. Ka'aumoana: Yes. The final recommendations for the Watershed Management Plan are posted. It is not final, final for implementation. The scenario is you do a total maximum daily load study that Department of Health does of all of your pollutants, you identify the sources, you do a Watershed Management Plan, and when you are *pau* with that, then you get into cue for implementation funding from EPA and Department of Health. So, Department of Health is holding back the final, final because they know that once they let go of that, that we will start actually doing things.

Mr. Bynum: Right.

Ms. Ka'aumoana: So, it is always a little bit of moment of hesitation to get final, final. That is okay. I do not mind when it takes longer to do it right.

Mr. Bynum: Thank you very much.

Chair Furfaro: Thank you. JoAnn, you have the floor.

Ms. Yukimura: Yes, thank you, Maka'ala for being here and for your comments. I raised the issue of managing the place, do you have any ideas about how we might do that creatively?

Ms. Ka'aumoana: I am going to start by saying I am a senior and I have been participating...

Ms. Yukimura: I forgot.

Ms. Ka'aumoana: I am proud of it. I have been participating in the senior – I am going to say this wrong, Health Enhancement Program at Kilauea Gym and go for exercise when I get there. There are usually about twelve (12) people. Six (6) of those people come from Hanalei. I just know that from personal experience. That is a three (3) day a week deal and it is about one hour (1) to one and a half (1½) hours. So, I certainly see it as a part-time management thing. I would not choose to speak for Hale Halawai 'Ohana O Hanalei, but I will tell you they have somebody at the center in the middle of the day every day. Their staff is there. I defer to Lenny when it comes to the fiscal issues related to a private entity managing County funds, but I think we can get creative about if we are going to do bookings if somebody was going to pay fees or that kind of thing. I do not see it as any more than a part-time. I remind you that the way it used to be was the key hung on the outside wall at Menehune School and when we wanted to use it, we went and got the key and Diane kind of kept track of who was doing what. The maintenance came from Kilauea so the lady that cleaned the bathrooms came from Kilauea. I have no way to know the increased intensity of use at Kilauea and whether or not that is possible, but I certainly do not think it is a full-time thing unless they have another responsibility and I do not know what that would be. We have another County park at Hā'ena Beach Park, maybe there is a share. I do not

know. Lenny is on it and I know he is trying hard to make sure that it is managed as well as it can be, but I am reluctant to. I know the budget does not have that kind of wiggle room in it.

Ms. Yukimura: Thank you for your comments. They are helpful.

Chair Furfaro: We will have more dialogue on that when we do the next update in March probably. I am going to allow Lenny to have some time after the second Community Meeting and we will expand the discussion points. Will that work for you JoAnn?

Ms. Yukimura: Yes. The testimony about not doing the design until some of the use issues are settled, I think is advisable if Lenny can somehow control that.

Chair Furfaro: Thank you, Maka'ala.

Ms. Ka'aumoana: *Mahalo.*

Chair Furfaro: On that note, I do not think we have any additional testimony on this item.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Discussion from the members? Late March, I am going to be putting a new item on. Mr. Kagawa.

Ms. Yukimura: There might be testimony.

Chair Furfaro: We only had two (2) people signed up. Did you want to talk on this item? Most definitely. I just want to make sure before you say anything more, that you come to the microphone because we cannot record you there in the audience.

There being no objections, the rules were suspended to take public testimony.

ANNETTE ODA: Hi, my name is Annette Oda. This whole issue with the Hanalei Historical Courthouse is kind of new to me. I am glad I was sitting in and listening, but I am excited to see that activities are going on in Hanalei and buildings are being revisited to see how they can be in use instead of vacant like that. Just one (1) thing, I wondered if by any chance you could consider movable walls. In this day in age when space is really limited and finances are really limited, that perhaps to get the best use because even churches are doing this. They are putting in movable walls so that when you need a smaller meeting room then you can just open it up or close it down to have them separate meeting rooms. Then when you need a larger space for the use of the whole building, maybe that might be something to consider. I understand about the structure and you have to make sure that you have the support it needs, but maybe something like that could be in the workings and just seriously consider that because in this day and age we have to really find the best uses and stretch our money as much as we can. Just a thought maybe. Thank you.

Chair Furfaro: I will share this with you and I will have the staff give you something here. Thanks to Barbara Robeson, we have some historic perspectives on the old courthouse and we also down in the Chairmans' conference room, we have photographs of the old fire station in Hanalei that was until the 1980s. My wife's great grandfather, George Kupahei-Gomez, was the Sherriff in Hanalei so we have a lot of information on that, but I will share this with you to see what we are trying to accomplish for historic Hanalei. This is from Barbara Robeson. She has done a lot of that research. Ashley, could we pass this on to the speaker? Anymore testimony? No?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Members and to the Clerk, what I would like to do after we receive this item, it does not seem we have any more testimony, I would like to take a ten (10) minutes break. 11:00 a.m. we spotted time for Wawae Road and on that note, if I could ask of Larry Dill to give me a few minutes along with Aida on an upcoming agenda item. I would like to talk to you at the break, but we are going to take a recess right now. Mr. Kagawa.

Mr. Kagawa: Discussion?

Chair Furfaro: Yes, we are going to take a recess.

Mr. Kagawa: After the discussion?

Chair Furfaro: No, we are going to have the discussion and then take a recess. So, we are in discussion mode right now. Any other questions? Anybody want to speak to Lenny again or Larry? No. Okay, discussion.

Mr. Kagawa: Thank you, Chair. I want to thank you for putting this on the agenda. A lot of times as we go out and talk in the community when I talk to people in Kekaha and Waimea, they always say make sure you remember us and the same thing when I talk to people from Hanalei, Princeville. They say, make sure you folks are thinking about us too. This is one case where I think it is long overdue that we have a County funded facility for the community in Hanalei. They are a very important part of our islands' economy with our tourists and with our residents. I went to a canoe regatta out there and I was just amazed with how much people go down there. It is a really big money maker for our island, but I think they lack some things that other communities have and one of those things is a community center for meetings and for use for seniors and similar to other neighborhood centers. I want to thank Lenny for I think our neighborhood centers are a tremendous part of keeping Kaua'i a happy place for all. Highly used, it is used for parties and whatnot. I think they manage it well. They tell the people, 10:00 p.m. or whatever they set up at different sites. Eddie Sartia does it at the War Memorial Convention Hall and the community does not have much gripes about noise and things because at 10:00 p.m. everything goes off. I think it is up to the people of Hanalei what they want there. I think I rely on Maka'ala and Carl to help guide Lenny as to what fits there because every shoe fits different in different communities. Hopefully, we can achieve all of this as soon as possible, but yet make sure let us do it right. So, I do not know what that will take. That will take some kind of fast timing, but not too fast. We want to make sure we again, listen to our people like Carl, our resources and Maka'ala and make sure that we consider the environment especially when we go with this. As a plan, just look at the building. It

looks like when it gets done, it really fits. It looks nice. It looks like something that fits in Hanalei. I do not know about what the people there think, but for me, very happy to support something in Hanalei and let you know that this Council, we think about the whole community. So, thank you.

Chair Furfaro: Very well said. Thank you. JoAnn? No? Anybody? Members, this is an item to receive with the intent that the last week in March we will have a revisit of the agenda item with a little larger scope and everyone who testified, thank you very much for being her with us today. BC, after I call for the vote, we are gang to take our ten (10) minute break because we have scheduled the Wawae Road for 11:00 a.m.

Mr. Kagawa: Chair.

Chair Furfaro: Go right ahead.

Mr. Kagawa: At some point I think we have the Odas here for the cat licensing if maybe after Wawae the Council feels like we want to go after the Cat Bill, I will be more than happy to support that.

Chair Furfaro: I have no problem doing that. It is just that Wawae Road was actually scheduled with a time at 11:00a.m. for Engineering. The motion is to receive this report on Hanalei Courthouse.

The motion to receive C 2014-27 for the record was the put, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

Chair Furfaro: On that note, we have received this item. It will be posted at the end of March. We will take a ten (10) minutes recess here members.

There being no objections, the Council recessed at 10:50 a.m.

There being no objections, the meeting was called back to order at 11:12 a.m., and proceeded as follows:

Chair Furfaro: We are back from our recess. Mr. Clerk, before we go onto Wawae Road, let us see what housekeeping items we can take care of there.

Mr. Watanabe: Chair, on page 4 on that top we have C 2014-35 and C 2014-36 which the County Attorney's Office requested that we defer today given the illness in their office.

There being no objections, C 2014-35 and C 2014-36 were taken out of order.

C 2014-35 Communication (01/16/2014) from the County Attorney, requesting authorization to expend funds up to \$8,000 to retain Special Counsel to represent Henry Barriga in Lynell Tokuda, et al. vs. Chris Calio, et al., Civil No. 13-00202 DKW-BMK (U.S. District Court), and related matters: Mr. Bynum moved to defer C 2014-35, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

C 2014-36 Communication (01/16/2014) from the County Attorney, requesting authorization to expend funds up to \$8,000 to retain Special Counsel to represent Sherwin Perez in Lynell Tokuda, et al. vs. Chris Calio, et al., Civil No. 13-00202 DKW-BMK (U.S. District Court), and related matters: Mr. Bynum moved to defer C 2014-36, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

Mr. Watanabe: Council Chair and members, we also have the Executive Sessions on page 8, ES-696, ES-697, and ES-698 which is also requested to be deferred for the same reason.

There being no objections, the Executive Sessions were taken out of order.

EXECUTIVE SESSIONS:

ES-696 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion and consultation regarding the quarterly report on pending and denied claims. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

ES-697 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Section 3.07(e) of the Kaua'i County Charter, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on the retention of Special Counsel to represent Henry Barriga in Lynell Tokuda, et al. vs. Chris Calio, et al., Civil No. 13-00202 DKW-BMK (U.S. District Court), and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-698 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Section 3.07(e) of the Kaua'i County Charter, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on the retention of Special Counsel to represent Sherwin Perez in Lynell Tokuda, et al. vs. Chris Calio, et al., Civil No. 13-00202 DKW-BMK (U.S. District Court), and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Mr. Rapozo moved to defer ES-696, ES-697, and ES-698, seconded by Ms. Yukimura, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

Chair Furfaro: Thank you very much. Mr. Dill is back in the audience. Mr. Dill, may I ask you to come up and we will go to the agenda item posted for Wawae Road.

Mr. Watanabe: We are on page 3 on the top.

C 2014-28 Communication (01/03/2014) from Council Chair Furfaro, requesting the presence of the County Engineer, to provide the Council with an update on the status of safety improvements for Lae Road and Wawae Road in Kalāheo (Project No. W12058), in the Fiscal Year 2013-2014 Capital Improvement

Projects (CIP) Budget; and the Administration's efforts to address safety concerns relating to drainage and runoff on Wawae Road in Kalāheo and the need for a guardrail across the property located at 2963 Wawae Road, Kalāheo: Ms. Yukimura moved to receive C 2014-28 for the record, seconded by Mr. Kagawa.

Chair Furfaro: Mr. Dill, I put this in the agenda item as once we allocate moneys for CIP, it is at times the...and I say a few times, the Administration has redirected moneys for other projects that have raised priorities over what was initially planned at budget time. In particular on this road, I understand there was some discovery made about a portion of the road that we needed to acquire for safety reasons and the money originally earmarked for that was in fact used for acquisition for some property, but I would like you to kind of take us through that history so we understand what is happening there and what we are going to do after the need has been made to repave and correct some of the safety issues with guardrails. Could you walk us through this critical period here?

There being no objections, the rules were suspended.

Mr. Dill: Good morning Council Chair and Councilmembers. For the record, Larry Dill, County Engineer. We did do a little bit of discovery. I actually did not bring the details of the discovery with me, but I can speak to that without perhaps the specific dates and et cetera of what happened. It was asked of us what moneys were appropriated, encumbered, and expended towards improvements on Wawae Road. We looked at the history and some years ago, I forget which fiscal year in particular. I believe fifty thousand dollars (\$50,000) was appropriated by the Council at the Administration's request for the expressed purpose of acquiring some property in order to improve the safety of a particular area where the County, I believe, was encroaching on a private property. The County did the mapping effort and did an appraisal of the property. The mapping was consummated to say it was consummated. I believe that the amount of the actual cost at the end of the day was around twenty-three thousand dollars (\$23,000) and then the remaining funds lapsed back into the General Fund. So, none of that effort was intended as a guardrail improvement project or anything like that. I believe it was simply to address an encroachment issue that was brought up at that time some years ago.

Chair Furfaro: It was my understanding that the reason the money was made available was to correct the encroachment issue, but also to install guardrails.

Mr. Dill: No, that is not my understanding.

Chair Furfaro: Okay.

Mr. Dill: Now, specifically with regards to guardrails along Wawae Road, we did receive as I had mentioned in my E-mailed communications, with a resident and yourself that we received an inquiry I believe last summer or so, maybe early summer to look into that issue. That was passed onto our Engineering Division and I apologize. We have somewhat of an exodus of Engineers from Engineering Division this past summer and it did not happen. So, when it was recently brought to our attention again we have gone out and done a quick investigation and looked at locations along Wawae Road that using standard guardrail warranting criteria that would warrant installation of guardrails. We have done that initial investigation and I have asked for an initial cost estimate. It

is in the neighborhood of seven hundred eighteen thousand dollars (\$718,000) if we were going to do all of these locations at the same time. I have sent that back to ask them to prioritize that knowing that it is a big number. I am not sure we could accommodate all of that work at once. Right now in the current fiscal year, there are no funds appropriated so that would be something for consideration in the upcoming fiscal year CIP proposal that will be forthcoming as part of our budget discussions.

Chair Furfaro: That money you just told us about Larry, and I say in your response to me in the E-mail, there is dialogue going on with the Administration about prioritizing? Are you familiar with some of these shots here?

Mr. Dill: No, I have not seen those.

Chair Furfaro: Okay. Well, I am going to ask that we give Mr. Dill a copy of these. These are what seems to be somewhat of the minimum road standard of maybe a sixteen (16) foot road width, but they encroach on some pretty shallow hills and cliffs. Am I correct? This is probably the sixteen (16) foot roadway width?

Mr. Dill: I am not going to guess based on photographs, but it is narrow. I agree.

Chair Furfaro: It is narrow. So, what would be the approach of prioritizing or studying this road? Originally, questions were about the repaving, but now it seems that the need to address safety concerns certainly surfaces to the top first. Of that seven hundred eighteen thousand dollars (\$718,000) that is recommended for guardrails, has that even been prioritized like we do them over an increment of years?

Mr. Dill: Well, that is the steps that we are at. Engineering Division has come back and there are basically four (4) sections, four (4) areas, that they are recommending guardrails being installed would sum to approximately, our initial preliminary estimate is about seven hundred twenty thousand dollars (\$720,000) and they have prioritized those for me as areas that are most critical. It is the most dangerous areas to start with. So, that is how we will try to prioritize that when we submit that to the (inaudible). If there is funding available, we would like to take of all of it, but obviously we have limited resources and a lot of things to address.

Chair Furfaro: Seven hundred twenty thousand dollars (\$720,000) as far as linear fee I guess, is the measurement of that, what does that represent in total length of improvement.

Mr. Dill: If you are bear with me for a moment. Total is about one (1) mile.

Ms. Yukimura: Huh?

Mr. Dill: About one (1) mile.

Chair Furfaro: That is one (1) mile?

Mr. Dill: Yes.

Chair Furfaro: Okay. Larry, what I would like to do is I would like to allow a little extra time, maybe twenty (20) minutes for this presentation on the road and I am going to keep it simply to some descriptions so that we all know what the citizen's issues are and then I will call you back a little bit to talk about some of those planning steps.

Mr. Dill: Okay.

Chair Furfaro: Does that work for you?

Mr. Dill: Sure. I have also been asked to address Lae Road. Do you want to defer that until later?

Chair Furfaro: We will come back with that as a second piece.

Mr. Dill: Okay.

Chair Furfaro: Let us see a presentation. Come right up, yes.

ANNE JANELLE: Good morning Chair Furfaro.

Chair Furfaro: Please sit right there.

Ms. Janelle: Good morning Chair Furfaro and Council. Thank you for taking the time to listen to me about my Wawae Road issue. Actually, it is not just me; it is the residents of the road. I am Anne Janelle. Sorry. I reside at 2820-A Wawae Road in Kalāheo.

Chair Furfaro: Anne, this is what I am going to do. I am going to allow you to work with my staff because I know this request came from many of the residents, but I am going to give you about twenty (20) minutes to make a presentation through the slides.

Ms. Janelle: Okay.

Chair Furfaro: And that is not typical procedure, but because you are representing that community, I am going to determine to give you up to twenty (20) minutes.

Ms. Janelle: I appreciate that.

Chair Furfaro: Jenelle is going to be working with you and I am going to move my seat. I am going to ask the Councilmembers to hold their questions until we see your whole presentation.

Ms. Janelle: Okay. I would like to give an overview first before I...

Chair Furfaro: It is your twenty (20) minutes. Go right ahead.

Ms. Janelle: Initially, this issue was about where the fire was that caused the drop off on Wawae Road which is the pictures that you have there. Wally Kudo prepared these documents for us through Mario Antonio. Because I was doing this and I was gone a lot to the Mainland, my mother was ill, I did not get a chance to do this sooner. Years ago, the road was approved for paving. They never took care of the shoulders or the drainage issues. Every time it rains, there is mud on both sides of the road and people have to drive in the mud which can be up to this high to try to pass. So, the road has become broken and I made many phone calls. I talked to, I know I made phone calls before I met with Mario Antonio actually which was when this was prepared here. So, it has been way before that when I went in and I visited with him and Ed Renaud about the situation. The concern is number one, safety. This was the first initial issue. When the fire happened I actually called the Fire Department, they came, and they hosed down the tree which is very close to road probably within three (3) or four (4) feet, but they also washed away whatever was there for the shoulder and also washed away everything up to the road. The dirt eroded underneath the road so there is a two hundred (200) foot drop there and that is on the curve. If somebody hits that, they are going to go down in the valley and somebody is going to die. I do not know how anything else could happen. So, that is my first concern. Also, we have had really poor maintenance on our road. Nobody comes and cleans the guinea grass. Actually, in my pictures the area that you see there, you cannot even decipher it because it is all grass. So, people that do not live on our road, we do not have lighting on our road. From my house which is on the Pu'uwai Road side, all the way to the Kuli Road – Kikala Road split and the cement driveway. Anyway, it is just kind of a mess and because there is no drainage and there is no shoulder work, a lot of the driveways are coming apart. The road is cracking and it was kind of sad to see our road come this way after all of the years that it took to get it paved.

Chair Furfaro: What we will do now is we will go to your slides.

Ms. Janelle: Okay.

Chair Furfaro: This is a very unusual piece, but it is because of the safety reason that I have allowed it to be presented to us.

Ms. Janelle: I really appreciate that.

Chair Furfaro: Unfortunately, I believe only Ed is the only Engineer that is still with us that you have referenced.

Ms. Janelle: Right, and I did see him when I saw Mario Antonio. I walked in the office and said, "I need to talk to somebody." This is not working for us and of course I have the biggest mouth.

Chair Furfaro: So what we are going to do, I am going to let you make the presentation. The timing for us is one where we certainly are going to be in the next sixty (60) days into a budget mode.

Ms. Janelle: Okay.

Chair Furfaro: We will be looking at a new CIP budget projected for the Roads Division. I think some of the safety items that pointed out on the guardrails should be prioritized.

Ms. Janelle:

Okay, good.

Chair Furfaro: But the Council can allocate the money, the prioritization, you will need to continue to work with the Mayor's Office and Mr. Dill. He is here and is open to listen to these concerns. So, you make your presentation.

Ms. Janelle: Okay. Thank you. This is the corner of Wawae Road and Pu'uwai Road. The guinea grass that you see there is covering a drainage area. It is never cleaned and mud runs across the road over there and it just pools across the road. Next. This is way out of order. This is another area you can see. This is across from the fire. See on the right hand side looks like dirt. There used to be paving there and it is all broken up and there is no more. Next. This is actually next to where the fire is. Trees fell down, people cut their branches, they throw them across the road, and it actually cove the area of concern. This is at the fire from the right hand side of the road. You can see that there is a cliff there, but there are all kinds of branches and things there. People dump their rubbish down there. On the other side you see the hillside is dirt. There are hau trees there, but there used to hand like a tree tunnel there and somehow or another it has all come down to the road and people push it off the road down the hill. This is also, can you turn that? You cannot? Okay. It is catty-wampus. This is also across the street from the fire. These trees are dead. One of them has been cut down and when they knocked it down, they busted up part of the road to throw it in the valley. This other tree here needs to come down. This is part of where the road could be extended on that hillside over there to help the guardrail. This is a picture of that area where the hillside has come down onto the road. There is absolutely no shoulder on the *mauka* side of the hill. This is another driveway in that area that has been destroyed from the weather and the mud. Here, there is a cliffside here. There are houses. This is actually before that. The residents puts these little...

Ms. Yukimura:

Can we give her a pointer?

Ms. Janelle:

Stakes. Can you not hear me?

Chair Furfaro:

Could we get a laser pointer for her?

Ms. Janelle: Let me see if I can work this. These stakes here, the resident that lives across the street put them there so that nobody would knock down their mailboxes. Also, right on the other side of those mailboxes even though there is foliage there, that goes straight down into the valley. This is actually prior to that. You can sort of see both sides of the road where the hau tree is hanging there. This is actually before that when you are leaving where I live. You can see how some of the residents have mowed on both sides. If it was not for the residents, that would be growing into the road. This is at the beginning of Pu'uwai Road. There is a drive over there. Actually somebody has to redo their driveway because it was all broken up and you can see that – no. Actually, this is past my house where they have kept the sides of the roads clean and they have planted foliage in order to protect the hillsides. Right there, let me see if I can point. Right in that spot right there, there is actually a drainage ditch there. It is down one foot (1) foot to eighteen (18) inches deep into the ground and the grass kind of covers it. So, if somebody goes in there, actually is has happened a few times. Their car is going to be damaged. This is across the street from my house. Every time it rains that water pools out halfway into the road and it has destroyed the end of their driveway and also all of the paving that was done in that area. Just

go to the next one Yvette. This is actually prior to my house. This is the severe area. You can see the roadway is from there to there. So, there is not much road left. This hillside has come down and that is all mud on that side and this is all mud on this side. So, when people are trying to get here, somebody has to drive in the mud. You can see here, this area right here, although it is not muddy right now, that dirt turns to mud and that becomes six (6) inches deep. This is the same way here and the road is breaking because there is no drainage. This is at the beginning. This actually is cement I think here. I am not sure who put this cement here, but it has helped this portion of the road. This is the main corner right there at Pu'uwai Road and Wawae Road where this is the drainage ditch and every time somebody goes around this corner they drive in the mud. This hillside comes down with mud. This is the same corner, the beginning. This is sideways. This is actually the continuation of Wawae Road from the Kikala Road – Wawae Road – Kuli Road split. This road is completely broken. There were apparently some water problems there and somebody went and dug up the road and they never fixed the road afterwards. This is actually where things have fallen down the hillside and has gone across the road on the other side of my truck into that valley over there. There are a lot of hau trees there. This is the Wawae Road – Kikala Road – Kuli Road split right there. These road signs right here, all of a sudden they appeared one day. They are new signs. I had requested road signs for fifteen miles an hour (15 mph) on our portion of the road because the road is so damaged there. We have more traffic on our road now then we have ever had before. Also, people walk their dogs, their children, they ride their horse, and so it is very dangerous.

Chair Furfaro: Okay, I am going to interrupt you here to let you know that we are going to have to move a little quicker through the slides. You have three (3) more minutes, I have to follow rules, so...

Ms. Janelle: I am almost done. This is actually the cement driveway. You can see where there are holes on both sides of the road. This is the road and on the right hand side here there was somebody that built a house. They threw cement in here, whatever, but if you go off that side, you are actually going down three (3) or four (4) inches off of the side. More pictures of the drive. Yes, this is upside down, but over on the right hand side there is kind of a ditch there and I think that there are pipes exposed somewhere. More damage to the road. Yes, I did not get a good picture there. I got me instead. This is more bad side of the road. This is where the pipe is exposed on the right hand side, but you cannot really see it, and that is another picture. There is the pipe exposure. It has totally destroyed this whole area right here. That was all paved across and because of the rain it has eroded all the side there. I think that is enough Yvette. Yes. Oh, wait. See that right there? Go back. Just this last one. Go back one (1) to the next picture. That one right there. This is the split. When you come up the cement drive it is like this, it is a steep incline and to turn you have to gun to go around. You have to drive into these people's property which I do not know there is an easement for, in order to turn to the right. It needs to be graded off there so that you can make the proper turn. This is all damage from weather. That is good enough. Thank you. Yvette has the pictures. I will number them in order and I am going to keep them for you so that you can see. So, you can see what the dilemma is. It might seem like not too much, but the more the bad weather comes, we actually have not gotten hit too hard in Kalāheo, but when we do, it is going to get worse. Trees are going to come down, branches are going to come down. That covered area, we have our own little tree tunnel there. There are all of these vines hanging on the lines and I have asked a million times for somebody to do it and they do not do it.

Chair Furfaro: We will ask Mr. Dill to come up now. I have used my personal authority to let you have some time to present.

Ms. Janelle: I really appreciate that. I figured you needed to see the whole picture.

Chair Furfaro: But do not go far, no. Just stay right there.

Ms. Janelle: Oh, stay here?

Chair Furfaro: Yes. Mr. Dill will come up in a moment, but I want to see if there are questions from Councilmembers directed to you and then we will bring him up.

Ms. Janelle: Okay.

Chair Furfaro: I do want to clarify one thing, that the driveways are in fact the responsibility of the landowner.

Ms. Janelle: I understand that.

Chair Furfaro: Okay, good.

Ms. Janelle: But some of the paving though, actually was supposed to be – they made the side of the road shorter even though their driveway, they are responsible, but the connection between the two is very damaged.

Chair Furfaro: That was very visible there, but I needed to say that.

Ms. Janelle: I understand what you are saying. Because pooling and ponding is actually an issue. I have discussed these issues with Mel in the past. We had a great set of pictures before, but they have disappeared into the woodwork that actually showed ponding. We had a really bad problem with mosquitoes, so we do not want to have that if we can help it.

Chair Furfaro: Well, understood. One of the reasons I looked as I knew you had been talking with various members and their Committees, but I made a promise to put this on the full Council agenda so that we could all see what the issues are.

Ms. Janelle: And I appreciate it.

Chair Furfaro: Mr. Kagawa, you have the floor.

Mr. Kagawa: Thank you, Chair. Thank you, Anne for your presentation. I think the pictures, you may have missed few, but I think they clearly show some need for road improvements and safety problems with the ditches, almost cliffs in some cases. Of your meetings with some of the community members, have there been a number counted as far as how much cars have actually I guess, gone off the edge at any point?

Ms. Janelle: You mean down the hill?

Mr. Kagawa: Yes, off any of those.

Ms. Janelle: You mean where it gets muddy?

Mr. Kagawa: Well, have any cars actually gone off the shoulders because I guess...

Ms. Janelle: When you are driving you are passing somewhere, every time you are going into those muddy areas, every single time.

Mr. Kagawa: No, but has anybody actually gone off the side?

Ms. Janelle: No, they have not. We have not had an accident yet.

Mr. Kagawa: Okay.

Ms. Janelle: I know many years ago somebody went down in the valley right past my house, but that was not related to the road.

Mr. Kagawa: I guess the reason I ask is that my uncle has a house on Kikala Road and we use those roads that you are talking about as a shortcut to get to Lihue, to get east. That is where you have that sharp turnaround where you have to make a three-point turn to make that turn.

Ms. Janelle: Right, and that is a very bad area right there.

Mr. Kagawa: So, I am kind of familiar with those roads from before and I know that it does not really accommodate two-way traffic well. One (1) car has to actually stop. I guess the local knowledge, I guess people can pretty much handle it as far as knowing that...

Ms. Janelle: Oh, if somebody is coming? That is true.

Chair Furfaro, the presiding officer, relinquished Chairmanship to Mr. Chock.

Mr. Kagawa: But I guess my concern is that when you have people without that local knowledge or you have people that are just speeding, then you could have seem really deadly situations. To your knowledge, there is nobody that said they know of a case where they actually...

Ms. Janelle: Somebody has gone into the ditch, the one ditch that is covered with grass.

Mr. Kagawa: Somebody went into that?

Ms. Janelle: Several years ago.

Mr. Kagawa: Okay, because I know that the appearance of the foliage makes it seem like you can actually go to the side, but some places...

Ms. Janelle: You cannot.

Mr. Kagawa: Yes, the foliage is so high that it masks...

Ms. Janelle: The pictures actually do not do it too much justice. You actually have to see it. I know that Ed Renaud has some people out there. I am not sure if it was Wally Kudo who went out and did this investigation and took these pictures, because actually that is the best picture of the fire area. In my pictures, you cannot see where it is because it is overgrown and we have a lot of elderly people that live in our area. So, you make the wrong six (6) inch turn and you are going to be in the valley.

Mr. Kagawa: Regarding the overgrowth problem, have you made a request as to what kind of timetable they gave you as far as when they would be...

Ms. Janelle: Cleaning?

Mr. Kagawa: Cleaning that area?

Ms. Janelle: No. Nobody will tell me.

Mr. Kagawa: Well, actually I did. About a month ago.

Ms. Janelle: Oh, was that you I talked to?

Mr. Kagawa: Um, no. Actually, I had another request from a resident on Kikala Road and it was about two (2) months ago. I guess he was going through the proper authority and I believe that was Scott Suga in charge of the roads maintenance. I guess the E-mail that he received and forwarded to me was that the road crew was currently in Kōke'e and they were moving east.

Ms. Janelle: Down.

Mr. Kagawa: And he said that it is not their practice to jump all over the place. That did not really sit well with the person on Kikala Road because the person on Kikala Road said that he witnessed a near accident because of the overgrowth, it is narrow, and there are people that speed down the road. Anyway, that was the answer that I got that they do not jump around. I guess...

Ms. Janelle: They have not been on our road for an extremely long time. The residents come...

Mr. Kagawa: When was the last time that the place was...

Ms. Janelle: That I saw anything?

Mr. Kagawa: ...that place was maybe cleared that you can remember?

Ms. Janelle: A long time ago.

Mr. Kagawa: A long time?

Ms. Janelle: Yes. The residents are actually doing some of the cleaning now because it is dangerous.

Mr. Kagawa: And that is my second point. I also talked to a worker with the crew and he suggested that my uncle go and clean his area because he said other residents are cleaning theirs and then I kind of countered and said that well, if it is our responsibility as the County property, we should as much as possible try and do it because sometimes we do not like when residents do it a certain way, right? I do not know. We are kind of at a point where I guess if you want it safe, we are telling our resident do it yourself, but I guess the residents need to know when the County is actually going to be there so they may wait.

Ms. Janelle: When I see people come and working actually right past my house, there was a bunch of hau trees there. I am not sure, but I think it was the County came and cut them down and they just cut them and dropped them.

Mr. Kagawa: Did not remove the rubbish?

Ms. Janelle: No. It never happens like that. They assume that it belongs to the person that lives over the fence. I am trying to think of her name.

Mr. Kagawa: It is okay.

Ms. Janelle: I will think of her name. Well, anyway there is a lady that owns all of the valley property from my house all the way to the cement drive. So, people that have cut giant trees on the mountain side have dumped them in the valley. It has happened like that for a really long time.

Mr. Kagawa: I guess my last comment is having seen those roads, having driven those roads, I do not want to make it seem like an easy task because that area *mauka* of Kalawai Park, there is a lot of things that need to be done and improved. Larry, I do not know where we start, but I think we need to I guess address the most dangerous situations first and then we need to move on. We cannot just ignore the problem.

Ms. Janelle: You see that cone right there in that picture?

Mr. Kagawa: Yes.

Ms. Janelle: I called the Police Department after the fire and I said, "Somebody is going to get hurt here." I made a report and somebody came and they put a cone. Three (3) or four (4) days later, the cone disappears. They put a cone there I think probably while they were there. I think they took their cone away. I have never seen a cone or nobody has come and cleaned that area specifically because if you do not see it, you do not know it. People drive on our road that do not live there. They are actually kind of afraid because we do not have any street lights from where I live all the way to the Kuli Road – Kikala Road – Wawae Road split. There are no street lights.

Mr. Kagawa: Like I said, there are a lot of pictures that show a lot of need for some kind of work to be done by the County. I thank you for your presentation and I will be asking more questions of Larry later. *Mahalo*.

Ms. Janelle: Thank you.

Mr. Chock: Council Chair Furfaro stepped out. Councilmembers, any more questions for Anne? Thank you. Councilmember Yukimura.

Ms. Yukimura: Yes. Hi, Anne. Thank you for being here.

Ms. Janelle: Thank you.

Ms. Yukimura: You make reference to the fire. Please forgive me, but could you tell me about this fire? When was it?

Ms. Janelle: I am trying to think now. I was gone back and forth for maybe about three (3) years, probably five (5) or more years ago. Somebody threw a cigarette and it was a smoldering fire. From my house which is at the edge of the valley, I could see the fire in the tree. So, I called the Fire Department and they came and put out the fire. Actually, they had to come back because it started to smolder again I think a day or so later. It washed it away. I would have to literally go back and try to find the dates when that happened because I was gone so much.

Ms. Yukimura: But what impact did the fire have on the road situation?

Ms. Janelle: When the Fire Department came and they used our water hose, they were shooting at the tree, but at the same time they were shooting at whatever shoulder was there. So, they washed away all of the dirt. If you go there, the edge is like right here and it goes straight down.

Ms. Yukimura: Is this it?

Ms. Janelle: That is the picture.

Ms. Yukimura: Okay.

Ms. Janelle: Now people are throwing tree branches and rubbish down there. They cut their trees and they go throw it over there.

Ms. Yukimura: How wide was it before the fire, from the pavement toward the valley or the ravine?

Ms. Janelle: It was probably, I thought the road was eighteen (18) feet across when they paved it. Somebody called me recently and I thought it was Larry and I have to apologize to Larry. They said our road was subpar so it is not as wide as a regular road, but that area right there, there are two (2) driveways across. I think there is a photo in that set of pictures right there that shows the two (2) driveways that are joined just like this. So, there is extra room over there so it is easier for people to go around on that side, but people drive like maniacs through there. We are getting way more traffic than we used to have. We have a lot of trucks. They have been doing a lot of building. They are driving cranes and giant dump trucks and things down the roads. So, I am not sure what the weight limit is supposed to be actually for Wawae Road.

Ms. Yukimura: It is probably part of the implications of agricultural land development. A lot of new subdivisions up there.

Ms. Janelle: I am sorry.

Ms. Yukimura: Are there new agricultural subdivisions up there?

Ms. Janelle: I am not sure, but there has been a few new large homes built on the mountainside up there in that area.

Ms. Yukimura: So, did you make a request for guardrails?

Ms. Janelle: Yes, I did.

Ms. Yukimura: Okay, and this one (1) mile of guardrails, is that in response to your request or maybe we need Mr. Dill here?

Ms. Janelle: I do not know. Larry probably has the information. I am not sure. I do not know how long that guardrail would have to be.

Mr. Chock: I know Larry probably has a presentation that he wants to go through as well. Do we have any further questions?

Ms. Yukimura: No, he does not. He does not have a PowerPoint.

Mr. Chock: I know he said he had a presentation, but for the sake of other Councilmembers and you can definitely not lose track of that question. Are there any specific questions for Anne before we bring Larry up? If not, and maybe you want to stay as well.

Ms. Janelle: Oh, I will stay.

Mr. Chock: Larry, can we ask for you to come up as well? Did you want to present on the specifics? I know we wanted to hear from her first.

Mr. Dill: For the record, Larry Dill, County Engineer. My understanding has been that we were concerned about safety about the drop offs et cetera on the side. So, that was our recent investigation that we did. There are obviously a lot of other issues that were brought up during the presentation. As the Council knows, we have gone through all of our inventory of County roads and done an assessment as to roads that should be prioritized for our next Island-Wide Resurfacing Project. So, obviously this road would be a candidate for inclusion as being prioritized for resurfacing and reconstruction. Some of the issues, I have been taking notes. There are concerns about maintenance like vegetation being cut back et cetera. One of the issues I will just note for the Council and for the resident is that vegetation that encroaches on the power lines, we stay away from. Kaua'i Island Utility Cooperative (KIUC) has to take care of those because we are not qualified or I think even authorized to address those issues. Certainly other areas where there are overhanging branches or trees on the road, we would address those. So, we will look into that and see what can be done. Short of inclusion in the Island-Wide Resurfacing Project, if there are other areas that are imminent safety

hazards, we will take a look at something that should be done in advance to the Island-Wide Resurfacing Project. Let me ask one (1) thing and it was brought up before or maybe I misunderstood. I may have said this road is substandard, and so when I said that the road is substandard what I am saying is the County has certain road standards as everybody knows, the width of pavement and for drainage swales on either side. Also, we all know there are many County roads that the County has come into ownership of that do not meet those standards. This is a very narrow winding road with in some places, no opportunities without building substantial retaining walls and et cetera to provide a new sort of roadway shoulder to accommodate standard drainage swales. From that standpoint, it is a substandard road. That by no means disqualifies its permitting our attention. So, I apologize if I was not clear on that communication before.

Ms. Janelle: I am unaware of how wide the roads are supposed to be. I think I put that in my memorandum to all of you. Was that you that I talked to the other day? Someone called me from the County and told me that the road was subpar. That was the term that was used to me. I do not know who it was. I thought it was you.

Mr. Dill: At any rate, I would say that nevertheless, there are things that we might may be able to look at to help some of the drainage issues and et cetera in those areas short of doing something that meets our standards.

Mr. Chock: Alright. Councilmember Yukimura.

Ms. Yukimura: I think we need to clear here that we at this point, it is not our goal to bring all the road on Kaua'i up to the current standards of width for example, because they are roads that existed prior to our standards. Now, we should be asking the questions whether we should be allowing more development along the road if it is substandard and that is an issue for the Planning Department and the Planning Commission. But in terms of Public Works responsibility and our goals as a County I think certainly, repairs for imminent danger and safety, we want to do. My question is Larry, when are we going to see the report which I have been waiting for, for about five (5) years of the comprehensive assessment of our roads and how much total it is going to cost us to bring it up to a preventive maintenance routine? When are we going to see that? I am trusting the latest we are going to see that is this budget session, but I would even request if it is ready for us to see it earlier so we can think about it before budget session. To me, I would be more willing to raise the weight tax that is pending before us if I saw a plan about how that money was going to be expended rather than just raising it in a vacuum because I think the taxpayers do not mind when we raise taxes if we show how it is going to be used and there is a nexus between weight and road damage. What is the status, when will we get that report?

There being no objections, Chairmanship was returned to Council Chair Furfaro.

Mr. Dill: We have completed the assessment inspection of all of the roads. So, we do have the information. We are still working on implementing the plan to have a comprehensive maintenance plan and schedule in place. I do not have a date for you that I can say right now at this meeting.

Ms. Yukimura: Well, I hope you are aiming for this budget because we are all expecting it. We were told that it was going to be prepared for this budget.

Mr. Dill

Right.

Ms. Yukimura: You had already done a rough assessment last budget. I saw the...and I was impressed by the chart that showed zero (0) years of life left, fifteen (15) years of life left or whatever, but I am expecting more than that this year. So, you do not...

Mr. Dill:

I do not have a date for you as I said earlier.

Ms. Yukimura: Chair, we do need, that date because I am assuming it is coming at budget. I would like it earlier to give us some time to really dig into it and understand it, but if not earlier, at least by budget. I am expecting that. I think we were told we could expect it.

Chair Furfaro: The expectation is Larry, that we were told that we would have it. I think it is fair to say that at minimum at least two (2) weeks before we get into budget session, we should have some dedicated discussion about repair, maintenance, and the ongoing needs assessments for the Roads Division. So, please do expect that from me and I will try and get you a date as early as possible.

Mr. Dill:

Alright.

Ms. Yukimura:

May I continue?

Chair Furfaro:

Yes, continue please.

Ms. Yukimura: With respect to the guardrails that you mentioned, one (1) mile of guardrails at a cost of seven hundred twenty thousand dollars (\$720,000)?

Mr. Dill:

Yes.

Ms. Yukimura: Were you going to get back to us about where the guardrails are propose for or do you know at this point?

Mr. Dill: We have some preliminary indication of the locations we would put the guardrails in. So, we have tallied all of that up. I do not really want to share details because it is very quick and dirty what we have done in order to prepare for this Council Meeting, but we will be of course, tidying that up and then presenting that before you in much more detail by the time we get to budget time.

Ms. Yukimura: If you think about putting a guardrail here, to me, the guardrail would be in danger of eroding within five (5) years. Maybe I am misinterpreting the soil structure of this narrow, what looks like about one (1) foot. If you put that footings of the guardrail you might erode further. I am not an engineer, but there are issues of whether you can put guardrails where there should be guardrails.

Mr. Dill:

Right.

Chair Furfaro: Okay, let us say for this purpose because I do want to get to the next Bill before we break for lunch. Let us say that my expectations Larry, on the one (1) mile of guardrails would be one that you show a high priority over a three (3) year period that says incrementally where we would be putting these safety items in a three (3) year plan and maybe let us talk about that before we get capital discussion. I am sorry, we are recognizing the Engineer now and I am going to recognize the Vice Chair, then Mr. Kagawa again, and then I will ask you to comment on the pictures.

Ms. Janelle:

Okay, thank you.

Chair Furfaro:

Go ahead.

Mr. Chock: Thank you, Chair. Without getting into the broader issue of diversion of water, Larry, can you move into some response to the drainage issue which is really the underlying issue to all of the things that are happening on this road and what we can to respond to that? Thank you.

Mr. Dill: I have seen the pictures as were presented here today, so I acknowledge that there are certain drainage issues. I am reluctant to go much further as far as how we can respond to those without sending our Engineering Division out there to review, inspect, and come back with recommendations.

Chair Furfaro: Is it fair for us to expect though, after seeing the picture you will be sending some engineers out to make an assessment?

Mr. Dill:

Yes.

Chair Furfaro:

That is fair to assume?

Mr. Dill:

Yes.

Chair Furfaro:

Thank you. Mr. Kagawa.

Mr. Kagawa: Thank you, Chair. Larry, I discussed our maintenance plan for the overgrowth earlier and then I got into this conversation that I had with Mr. Suga and you have seen those copies of those E-mails regarding the area, Kikala Road and all of that area up there. I think they said that two (2) months ago I think they were up in Kōke'e and working their way east. Where are we right now?

Mr. Dill: I could not tell you exactly where we are right now, somewhere near the West Side.

Mr. Kagawa: Are we still in Kōke'e or have we moved down to Waimea?

Mr. Dill: Well, they might be on Kōke'e, but I know that they are on the West Side working their way east. I could not tell you exactly the status of our maintenance crews are at.

Mr. Kagawa: Can we maybe find out a projected time so we can give Anne some kind of date as to when she can tell her community that they will be doing growth maintenance in that area? The alternative like I said, was that I had a worker on that crew tell me that certain residents are not cleaning the frontage of their areas and perhaps that is the short-term solution, however, I think it would be nice to at least let the residents know when they are coming so that they do not go clean their area a week before the County crews are there with their heavy equipment. Just generally, is it fair to say that we are very short-handed with road maintenance cleaning ability?

Mr. Dill: The way things grow on this island, we could always use more staff to keep with cutting back vegetation.

Mr. Kagawa: What is realistic for a community to expect road maintenance such a Kalāheo where it is wet and there is a lot guinea grass and what have you?

Mr. Dill: I would have to get back to you on that. I know they have a schedule to get around all of the various parts of the island. I would have to get back to you on that answer.

Mr. Kagawa: Okay. I was just wondering if you had just general – it would be nice if we can get out there every half a year.

Mr. Dill: I am sorry. I do not have an answer for you.

Mr. Kagawa: Okay. Alright. My final question. What kind of pipe was that that was exposed on that shoulder?

Mr. Dill: I did not see that in picture.

Mr. Kagawa: You did not see that in the picture that she showed of that pipe?

Mr. Dill: No.

Mr. Kagawa: Because if it is a water pipe, I would think that we would contact the Department of Water and they would not want that pipe exposed because if a tire goes over a rock or something, it will puncture the pipe if you have a heavy truck I would think. So, if we can kind of relay that. It looks like a water pipe to me.

Mr. Dill: Okay.

Mr. Kagawa: I am not sure. Thank you, Chair.

Chair Furfaro: I am going to go back to you so you can comment on the picture, just to comment on that picture.

Ms. Janelle: Can you hear me now? Yes, one of the other photos from across the road where the street sign is, there is a double drive there. Yes. Right behind there is kind of a double drive. You really cannot see it like that because they did not photograph it. So, that is actually across from where the fire took place. So, people have been driving into that area to try to go around. I do not

know what can be done about that, an easement maybe into there. I do not know where the actual line is for that. So, that is a consideration in order to be able to put the guardrail far enough in for protection where the land will not disappear in five (5) years. Also, that pipe...

Chair Furfaro: Alright. Now, in this procedure when we direct a question directly at you, it has to come from a new question. No additional. Was there a question posed by one of the Councilmembers?

Ms. Janelle: Yes, about the pipe.

Chair Furfaro: Okay.

Ms. Janelle: I am not sure what kind of pipe it is. It could be a water pipe. When the big trucks come down the cement drive, they actually drive over that.

Chair Furfaro: Larry, it looks like a three-quarter ($\frac{3}{4}$) inch water line to maybe one (1) or two (2) houses. So, you might want to raise that with the Water Department. Mr. Rapozo.

Mr. Rapozo: Thank you. Larry, when do you think you would be able to get an inspector out or an engineer out?

Mr. Dill: Within a week.

Mr. Rapozo: Within a week? I guess Mr. Chair, would it be appropriate to refer this to the Public Works Committee and have a follow-up? I have to say, I have to apologize to Ms. Janelle because how many years ago was that, that you put together that packet? I am looking at the background information that we were provided here and we had some activity in 2005, so I am not sure. It would probably about that time. She had put together, and this proceeds Larry by many, many years. So, I want to make that clear, that this is Larry's first introduction to this issue. Anne had put together an excellent documented packet of what was going on, on Wawae Road and this area and I do not know what happened to that packet. I thought it had gone across to Public Works, but there is no record of them receiving it or us sending it. So, I am not sure what occurred, but I am concerned about those areas that are unsafe for the drivers, the vehicles. I know it is seven hundred plus thousand dollars (\$700,000+) a mile, but I mean, there are some of these areas and throughout the island. A lot of these *mauka* roads up in Lāwa'i in that area are going through the same thing, but we have to start somewhere. I am not sure. I do not think it will take one (1) mile of guardrails to take care of this problem. There are some areas that look like a very short span would at least mitigate some of those safety issues and that is my biggest concern right now especially with the overgrowth where we can determine that there is a substantial drop off that we probably have to look at some emergency funding or whatever it takes to get those up there. So, if it is going to take you one (1) week, I guess, maybe Mr. Chair, Public Works Committee not next week but the meeting after that. That would be in three (3) weeks. That would give you time Larry, to come back with an assessment and recommendations for this body. Is that something that you could do?

Mr. Dill: I will certainly have an inspector up there within one (1) week. Some of the drainage issues, as I said, we have gotten some

preliminary findings and recommendations for the guardrails. Usually guardrails warrants are pretty black and white, pretty straight forward. You look at the height of the slope, the steepness of the slope, and decide whether you need a guardrail there. The drainage issues may be a little more difficult and a little more involved to come up with a proposed solution.

Mr. Rapozo: Well, how about just an update on the guardrail issue?

Mr. Dill: Certainly.

Mr. Rapozo: I understand the drainage issue will take probably some technical analysis. I am not sure, but as far as the guardrail issue in this area, I think that would...

Mr. Dill: Well, on the guardrail issue, it is simply a matter I think of fine tuning what we have already determined and the real next step would be looking at budget and seeing what we can afford to do and what we prioritize. I guess we could present to you what area we had planned to prioritize and that would be the presentation pretty much.

Mr. Rapozo: It is more for the residents. They have been waiting a long time and I feel partially responsible because I did take a two (2) week vacation from the Council. So, I guess I should have followed-up better and I did not expecting that it had already been taken care of. I have not heard from Anne, but I did again, and I think we need to address some of these safety concerns.

Chair Furfaro: Why do we not do this? Mr. Rapozo, if you agree to it, we will put it in Ross's Committee, we will put it in for February 19, 2014 on which time we would expect kind of this incremental proposal on the guardrails and any additional information you could add at that time would be appreciated, but not mandated, but do know that we would want an update on these roads before budget and that will show up again, in Mr. Kagawa's Committee. Acceptable to you Mr. Kagawa?

Mr. Kagawa: Yes, thank you.

Chair Furfaro: Fine. Mel, I am going to give you my file on this road.

Mr. Rapozo: Thank you.

Chair Furfaro: Okay, so that will be our plan. To the Clerk, guardrail review February 19, 2014 and at least two (2) weeks prior to budget start we will have another review on the general roadways and some solutions. Fair enough to you, Larry?

Mr. Dill: Yes.

Chair Furfaro: I need to take public testimony if there is any and I want to start the cat dialogue before we break for lunch. We will be asking them to come back on the 19th, if you could put that in your calendar.

Ms. Janelle: Okay.

Chair Furfaro: Are we going to keep your pictures for now?

Ms. Janelle: Yes, and I am going to number the, put them in order from Pu'uwai Road because that was a mess and I have made notes on the other side of the photos because there is another issue in there that I did not address about an abandoned house. At a late date, I would like to address that issue.

Chair Furfaro: Well, we do not typically have you work directly with to Chair on these agenda items...

Ms. Janelle: No, I understand.

Chair Furfaro: ...but if it is housing, then we have to start a new agenda item. This item is going to carry out on the repair and maintenance of the roads.

Ms. Janelle: Okay, that is fine. I really appreciate everybody's time. This had really been an important project that I have had for years and I am happy to be here today to present to you and I appreciate the twenty (20) minutes to be able to show you my photos. Thank you.

Chair Furfaro: You got it. Members, before I see if there is any more testimony, what I am going to look for is I would like to receive this item in the context it was and expand the posting for the 19th as suggested by Mr. Rapozo. Is there anyone in the audience that would like to give any more testimony on this item?

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Members, I gave you an idea of what I am wanting to do. Is there any more narrative to that point? If not, all those in...

Mr. Watanabe: Chair, we need a motion. We do not have a motion.

Ms. Yukimura: Chair, move to refer this item to Public...

Mr. Watanabe: No, receive.

Chair Furfaro: No. I am going to say it again.

Ms. Yukimura: Oh, we are going to receive. I am sorry.

Chair Furfaro: We want to receive it because when we post it on the 19th we are going to add some scope on the guardrails and so forth.

Ms. Yukimura moved to receive C 2014-28 for the record, seconded by Mr. Kagawa, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

Chair Furfaro: Mr. Dill, thank you very much. Ms. Janelle, thank you very much as well. I would like to get a reading and start at least on the feline Bill. Is that how you refer to it?

Mr. Watanabe: Yes. Council Chair, we are on the bottom of page 7.

There being no objections, Bill No. 2517 was taken out of order.

BILLS FOR SECOND READING:

Bill No. 2517 – A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE UNDER CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, ENTITLED CAT LICENSING PROGRAM: Mr. Bynum moved to adopt Bill No. 2517 on second and final reading, and that is be transmitted to the Mayor for his approval, seconded by Mr. Chock.

Chair Furfaro: We have a motion and a second to approve. Give me that number again on page 7.

Mr. Watanabe: It is Bill No. 2517 and Chair, we have...

Chair Furfaro: This is the Bills for Second Reading?

Mr. Watanabe: Yes. We have three (3) people signed up.

Chair Furfaro: Okay, do you want to call the first one up?

Mr. Watanabe: First, we have Annette Oda, followed by Michael Oda.

Chair Furfaro: Sure.

There being no objections, the rules were suspended to take public testimony.

Chair Furfaro: Again, members, I want to get at least to testimony from those that want to speak before we break for lunch so people do not have to stay the whole time. Go right ahead and introduce yourself one more time.

MICHAEL ODA: My name is Michael Oda and the subject is cats. My reference is science laws, that is how I determined what I am going to talk about. If some of the problem when you decide to now affect the birth rate of animals, every organisms from the microbes to the largest animal or organism, they kind of have a birth rate because nature changes. So, how do I come to that understanding? Studying. So, it is not by what you think of controlling the behavior of an organism because they have a natural tendency for how they were created whether you believe it, understand it, or really care. It does not matter. They have a natural behavior. For instance, if you wanted to create a mutant product out of genetics by introducing a partial thing for your integration of your deoxyribonucleic acid (DNA) system, without the displacement factor in the DNA process, you are creating a compound mutant which is fallible. Anyway, if a rat is part of the environment and the cat by nature does control rats who may interfere with chickens, bird eggs, and things, you are causing other problems in your system and organism all have a kind of food supply. Their kind of food supply. When they become less and less, they start to consume other things because they do not have an environment. So, going back to the controlling of the birth of these animals, as the changing climate progresses, you can find yourself in very troublesome times. If you want to say that feral cats are a problem with feces, chemicals like herbicide,

pesticide, and fertilizer or any form of chemical can in condition, spur growth in microorganisms or larger organisms. It can. It is not only feces. So, if one of your concerns is prorogation of pathogens or microorganisms, well, maybe forms of chemicals can also do that. That is part of what they consume, chemicals. There are things that are already processed. So, they can consume that and they can grow in condition.

Mr. Watanabe: Three (3) minutes.

Chair Furfaro: That is your first three (3) minutes.

Mr. Oda: Okay, thank you.

Chair Furfaro: No. I am going to give you your second minutes here, three (3) minutes if you would like to summarize. Go ahead.

Mr. Oda: I do not believe how the government controls things, but the organization to me, how they solve the problem to me, in my opinion, is not true. It is not true. They should find other people who are much more diverse in science and especially in this time because it is going to be very crucial in understanding why they are doing the wrong things in trying to control the cats. I have not mentioned cats, but it is about cats. You need to really think about this because cats play a very important thing in the environment like all of the created organisms from the largest to the smallest. They all play a major thing just like a whale going five thousand (5,000) miles. There is a purpose why it goes five thousand (5,000) miles. Everything. Cats have a purpose why they do things as the way they do. You have to study and it does not come by written books because you have to integrate concepts. You have to integrate the concepts of (inaudible) of them according to the manifestation laws or you will never understand it. You never will. It is impossible, but anyway, that is all I have to say. Thank you very much.

Chair Furfaro: Thank you for your testimony.

Mr. Oda: Oh, you are welcome. Bye.

Chair Furfaro: Next speaker please.

Mr. Watanabe: Next speaker is Annette Oda, followed by Charles M. Brown.

Ms. Oda: Annette Oda. Actually, I made a lot of assumptions that the Committee would have done their research, done their study, and come to the same conclusions. However, it does not seem like that is what happened. So, I am in defense of the cats. Number one, I really strongly feel that if this is really a problem which I do not even know what the problem is, we need an independent study and I want to see the statistics of how bad a problem this is because as far as I am concerned we read the papers, we try to keep up on the news, we keep up on everybody's difficulties and problems on the island and that does not seem to be number one on the topic of problems on the island. So, I would really like to see the statistics and see how bad a problem this is to warrant this kind of attention and money involved. I would like to have details in that with the frequency of the problem, detailed descriptions, dates, locations, et cetera. I want to see the whole picture of why this is such a problem that the County Council needs

to address. Also, cats and dogs, but in this case cats in particular, are part of our habitat. I understood that this is America. What we do on our property is our affairs, our concern, and our business; nobody else's. In the past ships have used cats for rat control; towns have used it; communities and homes have used them for mainly the purpose of especially if they have a huge acreage. They use cats for rat control and this keeps with the balance of nature. On a larger scale, prevention of bubonic plague and I do not know. Did you folks receive my E-mail? Okay. In that, there were facts and it showed, itemized in detail, in history all of the times that they have been bothered by bubonic plague. Incidents as recent as December of 2013, yes last month on Los Angeles. So, we have to be more responsible in making sure we have all of the facts. Crimes; burglary, home invasion, and trespassing. I want to know that statistics. I want to see here on the island how bad is it because this item relates to more of the barking dogs, but it also related to cats.

Mr. Watanabe: Three (3) minutes.

Chair Furfaro: That is your first three (3) minutes.

Ms. Oda: Yes.

Chair Furfaro: I am going to give you another three (3) minutes.

Ms. Oda: I am going. Number five, people are dropping off cats at Kaua'i Humane Society, but have you folks seen any kind of a log that says exactly why they are dropping it off? It cannot be because they are just merely stray cats. I know that some of the reasons are because some people that are very caring they have to move or they can no longer have cats in their possession, they cannot have them part of their family for whatever reason. They are dropping them off thinking Kaua'i Humane Society logically, would be the best place to go find a good home for these cats. If the Kaua'i Humane Society cannot handle, then they should make a public announcement saying, "I am sorry, but our facilities cannot handle any more cats. I am sorry. We cannot take them." Albright? If they keep on persisting on collecting cats that are deposited there, I want to see their log in the past five (5) years. How frequent and what are their reasons for dropping them off? I would like to have the Kaua'i Humane Society investigated on their financial accountability of their budget because I understand that they have been given somewhere in the excess of seven hundred thousand dollars (\$700,000). I might be wrong, but I would like to know if they were even given one dollar (\$1), I would like to know why. For what purpose? I would like to know that I trust the County Council because they are allocating a huge amount of money to the Kaua'i Humane Society. I want to know in detail, exactly. I want them to account for every single dollar. The Federal government, if they fund, they give you a whole guideline of accountability that you better follow because if you do not, then you know what, end of funding and you know that. So, what is the dollar amount that the County Council is funding, has been funding the Kaua'i Humane Society? I want to know exactly or where can I find that information because I have a right to know as a citizen, as well as many other citizens on the island. I want to know how much it has been in the last five (5) to ten (10) years. I do not want to know just recently, I want to know now, from now to all the way back ten (10) years. There is no transparency of Kaua'i Humane Society. It is a non-profit they claim. They hide, but you know what, if you really look hard and you really investigate them, they will say, "Oh, yes, we are for profit. Part of us is for profit, part of us is for non-profit, and whatever."

Mr. Watanabe: Six (6) minutes.

Chair Furfaro: That is your time.

Ms. Oda: Okay, two (2) more minutes, please?

Chair Furfaro: Not two (2) more minutes. I will give you ten (10) seconds for a summary.

Ms. Oda: Okay, ten (10) seconds. There are crimes against cats being – I want the statistics. Did you know here on the island there are cat haters for whatever their reason? They are being poisoned and abducted. We have had five (5) of our Siamese cats abducted and we know abducted because they do not wander off. I mean, they might wander off, but you know what, they are home when it is time for feeding. They have been assaulted, they have had injuries like blindness. Pretty cruel cat haters. They have had puncture wounds, broken limbs, and in Guam, tree snakes ate the bird eggs. That is why no birds. Scientific proof...

Chair Furfaro: Your time is up and I want to answer some of your questions for you.

Ms. Oda: Good.

Chair Furfaro: First of all, the transparency with the Historical Society...

Ms. Oda: Kaua'i Humane Society.

Chair Furfaro: Not Historical Society. I am sorry. With the Kaua'i Humane Society is done in a quarterly report to which you as a citizen can apply and we will respond to you for public information within a ten (10) day period. I will personally get the last few reports for you if you would like, that identify those operating costs. You are entitled to do that and that is why the transparency exists. The previous years there was a budget allocation of six hundred fifty thousand dollars (\$650,000), no six hundred thousand dollars (\$600,000) to the Kaua'i Humane Society of which in the last budget session which is open to the public, a request to increase the budget to one hundred fifty thousand dollars (\$150,000) more was made by Mr. Hooser. That measure failed. The next measure was introduced by myself to increase the budget by one hundred thousand dollars (\$100,000). All of that is well documented and that did pass to give them an operating budget of seven hundred thousand dollars (\$700,000). There are certain requirements by State law and so forth that have expectations that the County Council work with the Kaua'i Humane Society on certain contracted services. That is all well documented as well and the negotiators is not the Council, but actually the Director of Finance and you can request those reports as wells and they can get them back to you within ten (10) days according to the regulation itself. If you would like, I will start getting reports gathered, but anything going forward on the new contract and so forth, you would need to go through the Mayor's Office. It is all pretty well documented and I will be glad to fulfill those requests for you.

Ms. Oda: Question.

Chair Furfaro: You have a question?

Ms. Oda: Yes.

Chair Furfaro: Go ahead.

Ms. Oda: Six hundred thousand dollars (\$600,000),
that is from...

Chair Furfaro: Was the previous budget.

Ms. Oda: Was their previous budget?

Chair Furfaro: No, was the previous budget for the
services...

Ms. Oda: Allocation to the Kaua'i Humane Society...

Chair Furfaro: If you let me finish answering, then you will
get a clear picture.

Ms. Oda: I am just clarifying.

Chair Furfaro: That six hundred thousand dollars
(\$600,000) is allocated from the County to their budget. Their budget is much
larger than that and the information that I will provide you itemizes their services
and the contribution from the County. If I get that to you, I will be glad to meet
with you privately and explain the line items for you.

Ms. Oda: Wonderful.

Chair Furfaro: But let me gather that information first and
the contractual pieces, you would make that request from the Mayor's Office.
JoAnn, had a question?

Ms. Yukimura: Thank you, Annette.

Ms. Oda: You are welcome.

Ms. Yukimura: You obviously own cats. So, how many cats
do you have? I am really sorry about your Siamese cats.

Ms. Oda: Why would you need to know that
information?

Ms. Yukimura: Oh, just to know your circumstances. I do
not need to know how – I might just need to know approximately just because I am
concerned about the theft or whatever you call it of your Siamese cats. My last cat
was a Siamese cat too.

Ms. Oda: What does that have to do with what is
happening here?

Ms. Yukimura: Well, because you may really be opposed to
this because you feel like it costs you money to license your cats. Is that also part of
it?

Ms. Oda: No.

Ms. Yukimura: Okay. That is fine.

Ms. Oda: What I am opposed to – okay, yes. Financially, it is ridiculous. Why would they impose such a heavy fine if our cats wander? Cats naturally wander. Dogs normally wander, but cats even more so.

Ms. Yukimura: There is no fine. This is not a leash law for cats. All it is saying is if you have a cat that goes off your property occasionally, we want it licensed because...

Ms. Oda: So that when somebody picks up the cat or abducts our cat which they have been doing lots of times...

Ms. Yukimura: I am so sorry.

Ms. Oda: ...and only in the recent years which is really interesting because Kaua'i Humane Society has had such a heavy powerful rule over all of this and they are ridiculous. They are really ridiculous.

Ms. Yukimura: Okay...

Ms. Oda: Anyway, but what I am saying is the thing is there should not be any fines. There should not be any licensing of the cat because if you basically understand biology, cats are not meant to be licensed, not meant to just roam in the confidence of the property.

Chair Furfaro: Hold on one (1) second. Let us follow our rules. You have this extra time because the Councilmember asked you a question.

Ms. Oda: Okay.

Chair Furfaro: I gave you your six (6) minutes for your testimony. You have to focus on answering her question now, not expanding your testimony.

Ms. Oda: Alright.

Chair Furfaro: So, JoAnn has the floor.

Ms. Yukimura: Thank you.

Chair Furfaro: Go ahead.

Ms. Yukimura: So, I am just trying to get clear about how you understand this Bill because it is not a leash law, it does not say you have to keep your cat leashed, all it says is if you have a cat that you let outside, which means that sometimes it may go off your property, you need to license it. Then, in licensing it there are variation for a neutered cat or an unneutered cat because the unneutered cat has the potential for creating a lot more unwanted cats that create problems for a society. We are not talking about getting rid of cats. Not in any way. In fact, feral cats have a much shorter life than cats that are at home. So, we are trying to reduce the number of feral cats; cats that have no owner.

Chair Furfaro:

I need a question, JoAnn.

Ms. Yukimura: Okay. So, you said that if the Kaua'i Humane Society says it cannot handle cats right now, then there may be a reason, but unless that is so there is no reason. In fact, the Kaua'i Humane Society is saying that they cannot handle it. How would we handle unwanted cats or the whole cat problem if the Kaua'i Humane Society does not do that job? What would be the alternative to the Kaua'i Humane Society?

Ms. Oda: Okay, very easy. If you go back to my first item it says I want to know. I want to have an independent study of the statistics of this problem. I want to try to understand what the big deal is about the cats. Why do we have to go further...

Ms. Yukimura: But you have not answered...

Ms. Oda: ...and licensing them?

Ms. Yukimura: Okay, but...

Ms. Oda: What is the problem?

Ms. Yukimura: The Chair is going to give you the statistics and the budget. My question is, if you say we should not give the Kaua'i Humane Society money or this licensing Bill which helps both get revenues for the Kaua'i Humane Society and helps to control the creation of feral cats, who will do that?

Chair Furfaro: I am going to end it right there.

Ms. Yukimura: Okay, fine.

Chair Furfaro: When I get her the statistics of which I am going to get, I will meet you privately. In that report you will find some very interesting information that talks about statistics with cats and with dogs that the Kaua'i Humane Society provides to us and I am going to get you a sample of that as soon as I can and collect some more. Then within the next ten (10) days, you and I can meet. I will be glad to meet with you and your husband to answer the questions about their report.

Ms. Oda: So, will the report answer this question, that there is going to be an independent study of the statistics of the...

Chair Furfaro: We already funded that study.

Ms. Oda: ...of the scope of the problem?

Chair Furfaro: We already funded a study for that and I will get you those results too.

Ms. Oda: Okay, I do not want the results from the Kaua'i Humane Society because that is biased.

Chair Furfaro: Well, that is your opinion. That is not mine. I will get you the statistics that I can and it was an independent group that was

facilitated and most of it focused on the problem with abandoned cats and so forth. I will share that with you, but let us meet after I get you the information and I will try and get you at least one (1) report before the day is over so you can see the format.

Ms. Oda: That is great.

Chair Furfaro: Is that acceptable?

Ms. Oda: Yes.

Chair Furfaro: Very good. I am sorry, JoAnn.

Ms. Yukimura: No, I think that is a good sequence to follow.
Thank you, Chair.

Chair Furfaro: Okay. Thank you very much.

Ms. Oda: Thank you.

Chair Furfaro: Now, we have one (1) more person.

Mr. Watanabe: We have two (2) more speakers.

Chair Furfaro: Two (2) more speakers.

Mr. Watanabe: Charles M. Brown, followed by Maka'ala
Ka'aumoana.

Chair Furfaro: Go right ahead.

CHARLES M. BROWN: Well, thank you everybody. I think that public affairs are in good hands here. I like and I am listening. So, I wrote my remarks so I could be succinct about them on cat control. I feel legislated policy concerning cats are overly controlling. Feral cats may settle into a life of hard, but endurable existence. Linking to people who should – well, I made some scratches. Okay. Well, one factor might be that the one exception that I make here is that if somebody sees a yowling female cat, they should probably confine it as a matter of public policy. Cats to me, are semi-domesticated, psychologically and socially interesting animals. On this basis, they should have some choice in their selection of their breeding. Enough to be short of the analogy where people are told by doctors how to run their family life. Cat mills continuing mostly cat generations. Any comments?

Chair Furfaro: Any comments for Charlie? No?

Ms. Yukimura: Thank you, Charlie.

Chair Furfaro: Charlie, thank you and thank you for being here. I know you are coming from the North Shore.

Mr. Brown: Before I close, I did go to the Kaua'i Humane Society to volunteer as a cat socializer.

Chair Furfaro: Okay, well thank you for that volunteerism.

Ms. Yukimura: Great.

Mr. Watanabe: Maka'ala.

Chair Furfaro: Maka'ala, and Maka'ala, you will be our last testifier. We need to adjourn appropriately for the time, but we will take your testimony before we adjourn.

Ms. Ka'aumoana: In my very best Portuguese succinct, I will do my very best. Maka'ala Ka'aumoana, testifying as an individual with a disclaimer that I am a member of the Feral Cat Task Force. From my perspective as a watershed steward and cultural practitioner, this is clearly part of a larger issue. You know I provided testimony to this Council saying that I really support the idea of a comprehensive Ordinance. I continue to believe that is the way to proceed. I understand this is as Penny calls it, Step 1. I would like to call it Phase 1. I would like to hear some commitment from the Council that it is Phase 1 and that we are committed to, I know you are, and that we are committed to the full comprehensive Ordinance. This is a good way however, to get some information out into the community and so I appear today in support with reservations. My reservations are that I do not like segmentation and I do believe that we should be looking at the whole issue. I am not politically naive and I understand that sometime we need to take things in order and I believe this Council has a commitment to address this issue correctly. I would like to inform this Council and our community that the goal is no cats at-large. There is deep scientific evidence for Kaua'i. We are talking about Kaua'i and on Kaua'i, we are a Noah's Ark for many rare and endangered Hawaiian native species. This is a different conversation for us on Kaua'i than it is for other locations, even O'ahu. We have a special *kuleana* here to take care of things that exist nowhere else. In fact, there are places on Kaua'i where things exist no place else on Kaua'i. As a resident of the North Shore, we are one of those places. Shearwaters is a very good example. If you are caring for a cat in my opinion, the cat must be contained. I think this licensing is a good way for us to provide outreach and education to our community about the reasons for that, the seriousness of the issue, and for us to understand our responsibility as citizens of this planet and this island. I want to add that the Hawai'i Sierra Club Executive Director, Robert Harris, does not support any cats at-large fed or not. I have confidence in the Kaua'i Humane Society to perform the services described in this Bill and stand on my previous testimony that I really want this to be Phase 1. If the two (2) things do not happen together, we have not solved the problem. I believe the Kaua'i Humane Society deserves the support of enforcement and as the Manager for this issue because indeed, as you suggest, they are the only ones in that position who can. As a member of this community, I respect their work and support them continuing it.

Mr. Watanabe: Three (3) minutes.

Ms. Ka'aumoana: I *mahalo* the Council for introducing this legislation and would be happy to also provide any evidence that one might need about how free roaming cats threaten our native and cultural resources. *Mahalo*.

Chair Furfaro: Thank you, Maka'ala. Questions?
Mr. Kagawa.

Mr. Kagawa: Thank you, Maka'ala. We had a couple of recent, I think, articles in the paper about feral cats being involved in I guess killings of, was that the Wedged-Tail Shearwater?

Ms. Ka'aumoana: It was the Wedge-Tailed.

Mr. Kagawa: Was that in Kōloa and Kīlauea?

Ms. Ka'aumoana: Yes.

Mr. Kagawa: Po'ipū I guess and Kīlauea.

Ms. Ka'aumoana: We have film of cats way *mauka*, upper Limahuli, upper Lumaha'i killing.

Mr. Kagawa: So, very far from residential areas?

Ms. Ka'aumoana: Yes.

Mr. Kagawa: So, that would be feral cats, right?

Ms. Ka'aumoana: They are all feral cats, but the cats that did the killing in Kīlauea may have been domestically owned. Without licensing and capturing, you cannot be sure.

Mr. Kagawa: And the estimates of the impact was in the hundreds?

Ms. Ka'aumoana: Yes, and the Feral Cat Task Force has been receiving really, really good information on both sides, people that support kitty management and people that do not. (Inaudible.)

Mr. Kagawa: Are the cats eating the chicks or are they eating the eggs as well?

Ms. Ka'aumoana: The cats to not eat the eggs. The cats eat the chicks, but they can also eat an adult bird. Remember that these are ground nesting birds. This is not a bird that can take off. For example, the Newell Shearwater cannot take off the ground and suddenly fly into a tree. They may have wings, but that is not how they function and that is not how they fly. So, they are stuck. What are they supposed to do? They go in their hole and the cat follows them. We have film.

Mr. Kagawa: Okay. I guess I am done before I go onto rats and I am going on a different subject. Thank you.

Ms. Ka'aumoana: Yes, I will be happy to have a conversation with you about rats on another time.

Mr. Rapozo: Thank you, Chair and thank you Maka'ala for being here. You mentioned the Feral Cat Task Force, have you been involved with that process at all?

Ms. Ka'aumoana: From day one (1).

Mr. Rapozo: Are you on the Task Force?

Ms. Ka'aumoana: I am.

Mr. Rapozo: When can we expect something from them?

Ms. Ka'aumoana: Patience Councilmember. It is really...

Mr. Rapozo: I am exercising patience. That is why I asked the question because we are working on a Bill prior to getting the report and recommendation from the Feral Cat Task Force. So, I am very patient, but the Bill may be impatient.

Ms. Ka'aumoana: I understand.

Mr. Rapozo: All I want to know is when can this body expect a report from the Feral Cat Task Force?

Ms. Ka'aumoana: We have our final meeting scheduled for February 10, 2014. I would expect a report out from then. It is possible with all fair warning, that a sub-Committee may need to meet a little bit after that because the ultimate goal is to develop and Ordinance as well. Again, my reason for wanting a comprehensive Ordinance.

Chair Furfaro: Let me clarify that. We funded it, we are expecting the final report in April. No ifs, ands, or buts.

Ms. Ka'aumoana: Ifs, ands, or buts.

Chair Furfaro: Mr. Rapozo, I just want to let you know.

Mr. Rapozo: Thank you.

Ms. Ka'aumoana: Got it.

Mr. Rapozo: Well, I did not know that you were on the Task Force and I appreciate you being here even more. Just that it just seems premature at this point because I have not seen anything out of that Task Force. The Chair is right. We funded that I believe two (2) budgets ago. It may have been two (2) budgets ago that we funded the thirty thousand dollars (\$30,000) for that study. I may be wrong. Maybe it was last year, but for some reason I am thinking – if I could get help from staff. Two (2) years? 2013-2014, so this last budget?

Chair Furfaro: I have a track for a year.

Mr. Rapozo: Regardless, it has been a year at least which is not a problem for me. I had expected the Task Force to work through all of the data and statistics as Ms. Oda talked about because I think she hits it right on the head that we do not have. We have a purpose in the Bill, but we do not have the data and statistics. We do have some, but I think the recommendations from the Feral Cat Task Force would be important especially if the Feral Cat Task Force is contemplating a Bill.

Ms. Ka'aumoana: We are and we are working through that. It is a very – you remember as the original introducer. It is a difficult...

Mr. Rapozo: I remember. I remember quite well.

Ms. Ka'aumoana: You remember me.

Mr. Rapozo: But what I do remember was many different possible solutions to the feral cat problem which were all good, in my opinion. I do not know which one and that is what the purpose of the Task Force was to vet out all of the potential solutions, come up with a recommendation to this body on how we respond to the problem, and...

Ms. Ka'aumoana: Penny and I are both on the Task Force as are representatives of those organizations who want to manage feral cats and there will be report, absolutely. What we are hoping to do is have an Ordinance. I am not suggesting it is an either or with these two (2) Ordinances, Councilmember. I am suggesting that I want commitment that this is Phase 1 or a comprehensive thing because I abhor segmentation. I do not think it gets us where we want to go. I do not think it creates a *pono* product.

Mr. Rapozo: Well, I just will say that this County has often times followed what has become a clique, "ready, fire, aim."

Ms. Ka'aumoana: Yes.

Mr. Rapozo: And I am not a proponent of the "ready, fire, aim" system.

Ms. Ka'aumoana: And neither am I.

Mr. Rapozo: I did not think so. Thank you again. Thank you, Mr. Chair.

Chair Furfaro: Now, I am going to break. We are going to break. Contractually, we have to get our people lunch. We are fifteen (15) minutes past our time. We have other agenda items coming up and we will pick this up when we come back from lunch break at approximately ten (10) minutes of 2:00 p.m. We are on recess.

There being no objections, the Council recessed at 12:48 p.m.

There being no objections, the meeting was called back to order at 1:55 p.m., and proceeded as follows:

Chair Furfaro: We are back from our lunch recess. For those of you that were in the audience, we did not break for lunch until ten (10) minutes of 1:00 p.m. So, we are exactly one (1) hour and four (4) minutes back from our lunch break. Jade, we were still dealing with taking testimony on the cat Bill. If I can reference it as the Cat Licensing Bill and so forth. I believe Kaua'i Humane Society was hoping to be able to testify. Am I correct? Pleases come right up.

There being no objections, the rules were suspended to take public testimony.

PENNY CISTARO: Good afternoon Council. Penny Cistaro, Executive Director of the Kaua'i Humane Society. Obviously, the Kaua'i Humane Society is in support of the Cat Licensing Bill. There has been discussion and questions about the cat licensing being separated from the bigger picture of the cat problem on the island. That is a deliberate choice to separate them because the feral cat problem facing the island, the free roaming un-owned cat problem, facing the island is a much greater problem and an issue that is going to require extensive discussion once it does come to Council. Dealing with owners that are willing to accept responsibility and take responsibility for their cats is an easier issue for the community, for the Kaua'i Humane Society, and for the Council to undertake. There are people that are willing to take responsibility and claim ownership for cats and those are the ones that this Ordinance would target. There is a concern from the community that people that own cats are not participating in the cost of the Animal Control Program and this would address that piece. There may or may not be any fees, revenue associated with addressing the feral cat population and the fear is of how much that resolution to that issue would cost the County. So, intentionally kept those separate. We would like to look at this as Phase 1 or the first piece of a comprehensive approach to how to manage cats on the island. Thank you.

Chair Furfaro: JoAnn, you have the floor.

Ms. Yukimura: So, nothing in this Cat Licensing Bill will foreclose any feral cat options, right?

Ms. Cistaro: No. It is quite common to keep those two (2) portions of an Ordinance separate because of how the public views feral cats versus cats that they care for in their own home.

Ms. Yukimura: Just in response to Maka'ala's question, I just want to state publicly that I am committed to a comprehensive solution and will work on that. This feral Cat Licensing Bill is part of my commitment...

Ms. Cistaro: It is not a feral cat licensing.

Ms. Yukimura: I am sorry. This Cat Licensing Bill thank you. That is a big distinction.

Chair Furfaro: Big difference.

Ms. Yukimura: This Cat Licensing Bill is part of my commitment that was made when we were dealing with dog licenses. So, I would like to see this part pass to start revenues coming in, but I am absolutely committed and willing to work on the next phase after that.

Chair Furfaro: Just let me ask, I shared five (5) years of reports with the group that we here to testify; one (1) of your reports and two (2) reports from the previous starting from 2007. I also extended your business card to them and I told them that I would be willing to meet with them to talk after they have reviewed the material. One of the questions that came up was, when do we expect and in a very firm expectation on the first week of April, and this was a follow-up to Mr. Rapozo's question. Because that money was set aside two (2) years ago and he is absolutely right. That is when we initiated it and we are really in need of having a presentation before we get into budget session.

Ms. Cistaro: I agree with...

Chair Furfaro: My expectation is the first week of April.

Ms. Cistaro: And I agree with you. The last meeting that I know is scheduled with the final meeting is February 10th. There is comprehensive recommendations already put forth in the Task Force meeting. There is some disagreement within the Task Force of what to bring to Council and that is what is being hammered out on the 10th of February.

Chair Furfaro: Okay.

Ms. Cistaro: I anticipate that you would have something March versus April.

Chair Furfaro: Well, again, I said the first week of April. If we can do it in March, that is good, but no exceptions to that.

Ms. Cistaro: No.

Chair Furfaro: Mr. Rapozo, did you have any follow-up on that point? That is it. Thank you very much. Charlie, did you want to speak again because you only spoke for three (3) minutes the first time? Charlie Brown is back for his second three (3) minutes. Go ahead.

Mr. Brown: Working a relationship as a civilization of people as individuals and organizations concerning nature's land, plants, and animals requires high sophistication. Beyond today's sessions of cats, could there be a cat wilderness/reservation/adoption center? Cats are such deep pets. They are worth attention. Someone gave dogs their yards and they made interesting burrows. Rats and birds needs to be segwayed into this system.

Chair Furfaro: Thank you, Charlie for that. We will see what material is covered in the report in April.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Members, what is your – we have a motion. We have a motion and a second. If I may ask, any continued narrative here from the members? JoAnn.

Ms. Yukimura: Yes. Mr. Chair, thank you. I will be supporting this Bill and I hope that my colleagues will also. As I recall just a few moments ago, this Bill is a fulfillment of a promise that I made to Robert Kramer who was one of the dog owners that said, cats should be paying their fair share and who said that we should have some sort of fee for cats. This Bill imposes such as fee for cats that are let outdoors and it is tied to a fee schedule that encourages the spaying and neutering of those cats that are let out. It is not a leash law. It does not require cats to be held on property even. So, I want to be clear about that. The other thing that this Bill does is it begins to bring in revenues to help the Kaua'i Humane Society pay for the services that are rendered for cats and as we heard from the Kaua'i Humane Society, cats are actually demanding more of their time

and revenues and causing more costs than the dogs are. So, it is a needed Bill. It is very small in terms of license fees and I hope that we can pass this Bill. Thank you.

Chair Furfaro:
and then Mr. Rapozo.

Any other dialogue members? Mr. Bynum

Mr. Bynum: I am just going to share some thoughts. When I think about cat licensing, my first reaction was are you kidding, are you serious? I know many members of the public especially if they have come into this dialogue at this point might be saying the same thing. But this is part of a larger issue and as Maka'ala's testimony was so on point. Cat issues on Kaua'i are different than cat issues anywhere else. I am so pleased that there is a Feral Cat Task Force and that Maka'ala and others are serving on it. I heard Councilmember Hooser was like well, when you look at the revenue potential of this and you think about the enforcement and all of that, why would you do this? I understand all of those things which makes this kind of a tough vote just on the face validity level for the general public, but for those of us who really care about endangered species on this island and know that that is a blessing and a responsibility as well as a difficulty for us, but it is our *kuleana*. It fell on us. The reality is we have this very special island. So, I intend to support this today. I am very impressed with the Kaua'i Humane Society overall. Heck yes, there are problems. They engage with the public daily and the public is so emotional about the love they have for their animals and for their sanctity of their homes when irresponsible owners do not control their animals like they are supposed to. I have a great admiration for the Kaua'i Humane Society. I am very impressed with the new Director who came here saying, "Hey, we are not going to coast along and not address these financial issues of the Kaua'i Humane Society and the County and kind of brought us into that dialogue. We had a difficult time in terms of financing. For all of those reasons, I am going to support this Bill and support the efforts of people who really spend a lot more time than I caring about the animal management on our island. Thank you.

Chair Furfaro:

Anyone else? Mr. Rapozo.

Mr. Rapozo: Thank you, Mr. Chair. Let me just start by clarifying one of the comments that in fact this cat license is not required for cats that do not leave the property. That is not what the Bill says. The Bill is quite clear that you cannot own a cat whether they are indoors or outdoors, without the license. So, every cat owner is required by this Bill to get a license.

Ms. Yukimura:

Thank you for the clarification.

Mr. Rapozo: Well, I think it is important for the public because that could cause problems when people say well, my intent was not to let the cat out. So, I did not get a license, but it got out. So, it just causes problems. It is the Police and me that looks at all of the technical issues should a case be prosecuted, what is going to be needed. The second thing that I want to say is that in sales training they tell you when someone says no, it does not mean no. It means not right now. They have not closed the door and that is kind of where I am at today simply because of the Task Force that is so close to submitting a recommendation to this body. I mean months away. Two (2) months, or not even two (2) months. Probably a month and a half if we can get the report here in March. We are talking about very close. The purpose of that Task Force for members that were not here, was simply to find out what the County can do to control the feral cat problem. The purpose of this Bill is not to generate revenue according to the purpose and findings

on page 1. It is to control homeless and free roaming cats. It is to reduce the number of cats being euthanized. The purpose of this Bill is not revenue generation and I know I heard JoAnn say that the good thing is we can get started at least collecting the funds, but that is not the purpose of this Bill. The purpose of this Bill is to control the free roaming cats. I am still trying to find that connection how this is going to do it, but I think this is something down the road we are going to have to consider. Mr. Bynum said that when he first heard about this he says, "Are you kidding?" When I first heard about it I said, "Damn right, we need to do this." But as I have spoken to a lot of people and researched and more specifically the Feral Cat Task Force and the work that they have done, I just believe that it is premature at this time to pass a Bill knowing that we are going to get some recommendations from the Task Force that we funded to suggest recommendations. Mr. Hooser made a point about the seventy thousand dollars (\$70,000) and to put the public in an uproar for seventy thousand dollars (\$70,000) would be much easier just to find that money from the General Fund. I think that is probably an accurate statement. This Bill has generated quite a bit of stir in the community from both supporters and opponents of the Bill. Again, I am not sure what the recommendations of the Task Force is because I have not really have not paid much attention to it. To be honest with you, I forgot that we commissioned that Task Force two (2) years ago. I honestly just forgot and I am really curious to see what their recommendations are. I am sure it will be multi-pronged because I do believe that the feral cat problem needs to be addressed and I know it is not going to be cheap. This may be one of the recommendations. I do not know that, but it may not be. What happened if we pass a Bill a month and half prior to the recommendations and the recommendations come up and say that this is not part of it? Basically, we have undermined the Task Force that we commissioned to do the recommendations. So, I will not be supporting the Bill today. Again, it is not a no, no. It is and I am ready because I have yet to see the recommendations from the Feral Cat Task Force. Thank you.

Chair Furfaro:

Mr. Kagawa, you have the floor.

Mr. Kagawa: Thank you, Chair. I think just to provide some clarification as to why we have this cat licensing Bill in front of us was a few months ago we had increases to the dog licensing. We had hunters come before us and say, "Why are we only singling out dogs are being licensed? Why not license all animals? Cats, horse, and etcetera." I think Penny, to her credit, she wanted to show that she is fair to all animals. They provide services to cats and dogs, she came up with a Bill, and she did not take very long. She has a solution to what the hunters are saying about equity, being fair to all animals. For me, I cannot see licensing cats. I think cats and dogs are very different pets. Their nature is very different. For me, I had owned a cat when I was young and it is very different from having a dog. Whereas a cat, you basically feed it, it rubs against your leg, and you pet it. Basically, it goes after you are done petting it. It will walk off and do whatever it does. We had it spayed, it was a female. That is the right term, spayed? So, it would not make more babies that we cannot take care of and it will not create a feral cat population. I think that is where we are headed. That is the way you control a population, is to somehow spay and neuter as much cats out there that do not belong to a household that wants to take care of their babies. Hopefully, the Feral Cat Task Force can come up with some solutions soon otherwise we will have no more Wedged-Tail Shearwaters left because they have proof that the cats are moving up into remote areas as well. I just would like to say, again, we always point to the State. Department of Land and Natural Resources (DLNR), they are the ones that work with National Oceanic and Atmospheric Administration (NOAA), they work with Earthjustice and tell us how important it is to protect the

Shearwaters, yet what do they do to limit the feral cats from entering those habitats. I know before they used to do rat control et cetera and I heard that they do not do that anymore. They do not rat control and they do not do cat control. All they do is they tell us to turn off our lights so that we do not kill any Shearwaters. I want to see some action out of DLNR, Forestry, and Wildlife if they want to protect the wildlife. Hopefully, that is where we will be headed at some point with their help and the County's helps to attack the feral cat problem. I just cannot see licensing cats. I cannot see owners being willing to bring their cats in. Cats are different than dogs. I think homeowners will find that if their cat gets taken to the Kaua'i Humane Society, I think the amount of people that will go and recover their cats or license their cats is going to be very small, the amount of that. Whereas, the dog, it serves a purpose. For me, it is an alarm to protect against robbery and what have you. I had a neighbor that told me he has a dog, his two (2) neighbors on the side of him without dogs have gotten robbed recently during the day and his house did not get touched. He has a dog. So, it not only appears like it works, it does work. When you have a dog, you have less of a chance of your home being broken into and I think for that service alone, that is why you see a high number of people who go and get their dogs back from the Kaua'i Humane Society. Again, like I said, I see a very small number of people who would be participating in the cat licensing program anyway and that is why I will not be supporting this Bill. Thank you.

Ms. Yukimura: Thank you. I wanted to respond to Councilmember Rapozo's points. First of all, I want to thank him for correcting me. It is true that it is not just applied to cats that are kept outside because indoor cats often get outside too. So, it is applied to all owned cats. Cats who have owners, but that is why it is actually related to the purpose of controlling un-owned cats because you have to have a way of distinguishing cats that are owned from cats that are not owned, which are feral cats. So, this licensing Bill puts in place the basic framework from which you then deal with feral cats. How exactly we deal with feral cats will depend on the recommendation of the Feral Cat Task Force. That is why this is needed, but as Maka'ala pointed out, it is only Phase 1 of several phases. Now, we keep talking about we need the solutions from the Feral Cat Task Force. There is a possibility that they will not come to agreement and if they do not, guess who is going to have to find the solutions? It is going to be this body ultimately and I want to tell you that the solutions are not that easy. So, even if they come forward with their recommendations in April, there is a good chance that we will take several months to grapple with this issue. That is my experience as someone who has been in office dealing with highly controversial, conflicted Bills. That is why I think we should pass the easy part, the part which is not controversial, and the part that we need to put in place before we go to the feral cats. If you think it is easy to get seventy thousand dollars (\$70,000) in the budget – pardon me.

Mr. Rapozo: Seventeen thousand dollars (\$17,000).

Ms. Yukimura: Oh, seventeen thousand dollars (\$17,000), but actually the additional revenues will also come not from the registration, but from the other services that are tied to registration or will be stimulated. Seventeen thousand dollars (\$17,000). We were not able to pass a Transportation Planner position at about sixty thousand dollars (\$60,000). We could not. We cut, not by my vote, but we cut the music performances at the airport which uses our musicians. It must have been around seventeen thousand dollars (\$17,000) or twenty-five thousand dollars (\$25,000).

Mr. Bynum: Twenty-five thousand dollars (\$25,000).

Ms. Yukimura: Every dollar is so important in this really tight budget and the things we would have to cut off in order to pay seventeen thousand dollars (\$17,000) or sixty-seven thousand dollars (\$67,000), whatever it is, is going to be very, very difficult. We need to get whatever revenues we can from – this is a user fee. This is not taxpayers' money. This is based on ownership and responsibility for ownership. So, this is one of the varied ways we should be looking at to get more revenues. To me, this is an important public policy that we are dealing with here and it is only the beginning because as has been pointed out, the feral cats issue affects a lot of things besides cats. It affects public health, endangered species, just nuisance controls, and that sort of thing. Thank you.

Chair Furfaro: Anybody else wishes to speak before I speak? I think we all recognize the two (2) parts here that are really important. I am going to go out on a limb here and I want the public to know, let alone of few others to know the fact that we could be twelve million dollars (\$12,000,000) upside down next year with our Operating Budget. I just have to tell you, that is looking into my global piece. I think you have heard me say it before to Steve, that is where I think we are at. We are at the point we are trying to add a very important police beat that will take care of some grant money and then we want to have a ten (10) year plan. So, every two (2) years we are adding another police beat to the County. That is the kind of things we are dealing with, not just the entertainment at the airport and so forth. To have our visitors have a great experience, it is nice to have music, but if they go home missing their wallet because there was no loss prevention, there is no amount of music that would make up for that. So, we are in a tight situation so this money does come into the picture. It does, but as JoAnn talked about phasing the work, I could save thirty thousand dollars (\$30,000) by not having the Task Force either, but we went out on a reach and I think these people need to understand the importance of responding to us when we are willing to partner with these kinds of things. I am looking forward to that report and yet at the same time, when I go home to my *makaha* house, I go out to Ka'ena Point. I mean, I have a fence around Ka'ena Point now from Yokohama Bay going north trying to keep the feral cats out from the bird nesting. It is hard to find that kind of balance. I believe everything that Mr. Rapozo has said is important for us, but I want to know if we are going forward, money is not readily available folks; no matter what phase we go into. So, I will be supporting this Bill at this point and I want to make sure you folks all understand. I do not care if you are shaking your head no to me and so forth, that is where I believe we are because we have other responsibilities that are mandated to us, but it is also being driven by the fact that we have to be very realistic about one hundred fifty-eight million dollars (\$158,000,000) Operating Budget and overpromising and under delivering on services. To the same effect, anything that we do effectively put in place, if it is not working we can always repeal it. That is the bottom line. Mr. Rapozo makes some very objective points about having good information in front of us as we go forward. If your Task Force is split and you are not coming back to us in April, hear it from me, I will never approve extra money for that kind of period of time only to be able to get a point well, we do not have a resolution. We do not have a proposal. That is not acceptable. On that note, I will be supporting this and I would like to call a roll call now.

JADE K. FOUNTAIN-TANIGAWA, Deputy County Clerk: There is a motion and a second to approve Bill No. 2517.

The motion to adopt Bill No. 2517 on second and final reading, and that it be transmitted to the Mayor for his approval, was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Yukimura, Furfaro	TOTAL – 4,
AGAINST ADOPTION:	Kagawa, Rapozo	TOTAL – 2,
EXCUSED & NOT VOTING:	Hooser	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: 4:2.

Chair Furfaro: 4:2. I would like to make sure that we all understand that Mr. Rapozo's comments were taken very seriously from me and we will be looking for more dialogue in April. If we do not have some other recommendations, who knows, we may reconsider what we have just done here today. Okay, next item please.

Ms. Fountain-Tanigawa: Next item is on page 3.

C 2014-29 Communication (01/06/2014) from the Acting Director of Personnel Services, transmitting for Council information, the October-December 2013 Department of Personnel Services Quarterly Report, pursuant to Section 19 of the Fiscal Year 2013-2014 Operating Budget, Ordinance No. B-2013-753, which includes new hires, transfers, reallocations, promotions, and vacancies for the second quarter: Mr. Kagawa moved to receive C 2014-29 for the record, seconded by Mr. Rapozo.

There being no objections, the rules were suspended.

Chair Furfaro: Tom, may I ask you and your staff to come up? So, Tom, I will give this to you on a few notes before we start and I want to make it very clear. In the Bargaining Unit role, the County of Kaua'i has very little final influence on an outcome because with the eight (8) voting members, the reality is we have got to somehow find ourselves supporting something by being part of a five (5) person vote or we have to be a part of something to be a four (4) person no. So, we are not at the best position and we have had some well-deserved increases and we have has a few outstanding reviews on some of our personnel, especially Police and Fire with the work that they are doing in our community. They are constantly making improvements, but these are items that do cost us and we want to put firemen in a place that they always have four (4) people on a shift and we always have a situation that maybe we have a ten (10) year plan to add officers on additional beats every two (2) years. We are at a point when we see the vacancy reports, which you referenced. What was the date on that report?

Ms. Fountain-Tanigawa: This is October through December 2013.

Chair Furfaro: So, this is year end and we are getting ready to get into another period. Mr. Rapozo has been the champion of this comment, and I am starting to fall more and more on his side. If we have vacancies that exist in vacant positions for more than six (6) months at a time, it kind of starts me to think, is that really a position that we need or should we be using that money to go elsewhere in our staff planning during budget? As of right now, how many positions that we have budgeted that are actually vacant? I want to say going forward every quarter, that is going to be the first question out of my agenda time. How many

positions are currently vacant? Then, the second part of that question is how many of those positions have been vacant for more than one hundred twenty (120) days? Now we have a Human Resources (HR) Department and we are supposed to be sharper, quicker, faster, and more accurate on our recruiting. How many current vacant positions do we have?

Mr. Rapozo: Mr. Chair, you are asking as of today?

Chair Furfaro: As of today.

Mr. Rapozo: Not as of December?

Chair Furfaro: No, I am sorry. As of December report.

Mr. Rapozo: Okay. I do not know if it is possible to know what is maybe...

Chair Furfaro: I meant for the end of their report which was twenty-seven (27) days ago.

Mr. Rapozo: Okay.

Chair Furfaro: At the end of this report, December 31st, how many vacant positions did we have?

THOMAS TAKATSUKI, Acting Director of Personnel Services: In doing a quick count, I am looking at about one hundred six (106) to about one hundred ten (110).

Chair Furfaro: Between one hundred six (106) and one hundred ten (110). Being that staff planning is functional between Department Heads and the new HR Department, I want to make sure that you realize that every quarterly report, that is going to be the first question that is going to come out. So, ten percent (10%) of our positions if we have roughly one thousand sixty (1,060) positions budgeted for in the County of Kaua'i, ten percent (10%) of them are currently vacant and they do contribute to what ends up being the year end surplus because they are unfilled, they also impact Payroll, Taxes and Employee (PT&E) benefits because there is nobody earning those benefits, and could we actually identify that in a line item as far as your quarterly reports go? Not intended to embarrass anybody, but let me tell you that when the payroll of this County and the benefits of this County equal eight-one percent (81%) of our Operating Budget, it is time to make sure that we have a pulse on what is going on there. Then, with the request on demands on services, maybe we have to evaluate some of those vacant positions to add a Lifeguard somewhere else or expand a bus driver or I think JoAnn mentioned it in the last agenda item, finding money for a Planner. We have to get better at that going forward and you folks can help very much by having that as part of your report. So, can we get an agreement on that, that will be a part of your quarterly reports?

Mr. Takatsuki: Yes, we can.

Chair Furfaro: Thank you, Tom. Thank you very much.
Mel, you had questions?

Mr. Rapozo: I think my questions go along the same line as yours. As I look at the list there are quite a few positions that have been vacant for a while and I am assuming Grounds Helper is Parks and Recreation for part-time a position, and this thing is showing it has been vacant since 2009. I mean, there are a few of these that go back quite a ways. Some of them we have dollar-funded in past budgets, but a lot of them we have not. So, like the Chair has said, it contributes to the surplus at the end of the year. As you accurately stated, I think that has been my concern every budget. If this position is vacant for more than six (6) months, then we should dollar fund that position and if it is vacant for more than one (1) year, we should remove it. If this County is operating in a year and again, with the HR, you would think anyway that these processes would be accelerated, but apparently not. How do we do that, which leads me to the next question, this Council in the last budget defunded a position and then I see it showing up here under the new hires. Walk us through the process of that. If this Council, in the budget, basically feels that a position is not needed and the Council agrees that the position is not needed and then it shows up as a new hire, can you walk me through the process of how that happens because the Budget Ordinance – I keep saying this. The budget Ordinance is the law. It is an Ordinance. I think that is what concerns me. We have the dialogue and it is agreed upon by the Council, a position is removed, and then it pops up here in your quarterly report as a new hire and it is the first one on the list. I have not gone through all of the rest, but how does that work? How does that happen?

JANINE RAPOZO, Human Resources Manager II: Janine Rapozo, HR Manager II. That particular position is federally funded. So, when it comes into Department of Personnel Services (DPS) to establish the position, as long as there is funding in the grant budget, it is established that way.

Mr. Rapozo: Sorry, what was that again?

Ms. Rapozo: This particular position in question is federally funded and so as far as establishment of the position, as long as there is funding in the grant budget, it is established that way.

Mr. Rapozo: But this position is a permanent position?

Ms. Rapozo: No. It is federally funded so it is not.

Mr. Rapozo: How does it go down? Is it like a temporary position? How do you folks designate a position like that?

Ms. Rapozo: I think it was an exempt appointment.

Mr. Rapozo: Federally funded, so as long as the funds are available, you create the position?

Ms. Rapozo: That is correct.

Mr. Rapozo: Are you aware of any others like that in this report that may have been defunded by the Council and picked up under some other grant?

Ms. Rapozo: I think that is the only one.

Mr. Rapozo: Then, the reallocations, I am hearing a lot of concerns from Departments that the reallocations are taking a long time. How long does it take to reallocate a position once a request is submitted by a Department Head?

Mr. Takatsuki: It can vary from a day, two (2) days, ten (10) days depending on number one, amount of staff work because at this point in time we had one (1), now I have two (2) individuals that are doing classification and pay work in addition to labor relations, grievances, and everything else that falls within that section. So, within the two (2), it can vary.

Mr. Rapozo: Is it true that I am hearing some of these take months or even more than a year?

Mr. Takatsuki: Some of them have taken that long, a year.

Mr. Rapozo: I think that is a concern. When we had the discussion of the creation of the new HR, that was going to be resolved. That was part of the selling point, that we could get through some of these things much faster and I am not hearing that. I am hearing that it is taking an unusually long time to get some reclassifications done.

Mr. Takatsuki: Most of them are being pushed out as they come in within a reasonable time between zero (0) to ninety (90) days. Then, there have been a few that have been held over and over and over. I think that is the concern.

Mr. Rapozo: I think that is the concern.

Mr. Takatsuki: We have been trying to eliminate that, getting it in first in and first out as soon as we can, but then sometimes we do it that way then certain ones on the bottom has to get out and the top ones start complaining about when are we going to get reallocations? So, the simple and easy ones we have been pushing them out as fast as we can.

Mr. Rapozo: But when you push out a simple and easy one, you are taking time away from the difficult one so that person keeps waiting and waiting and waiting. I guess I am concerned because I hear that some get turned around in a day.

Mr. Takatsuki: Oh, yes. Especially those that do not require any review as far as being audited, staff will have to go out and audit the positions and when you are auditing the positions by interviewing the incumbent, interviewing the Supervisors and everything else, and then making a decision.

Chair Furfaro: Excuse me on that note. Mr. Rapozo, we are going to take a tape change.

Mr. Rapozo: Okay.

Chair Furfaro: You have the floor when we come back, but I would like to make this a ten (10) recess if I could please. Ten (10) minute recess.

There being no objections, the Council recessed at 2:38 p.m.

There being no objections, the meeting was called back to order at 2:49 p.m., and proceeded as follows:

Chair Furfaro: We are back and before we go any further, Tom, and to the other Councilmembers, the County Council is sponsoring Grace Peralta to do some shadowing as the role of a Councilmember. Since I have an empty seat today I thought I would ask Grace come up and have a seat at the table. I would like to give the floor to Mr. Chock for three (3) minutes since he has been assigned for his ongoing training to be her shadower. Vice Chair, you have the floor.

There being no objections, the rules were suspended for a moment of personal privilege.

Mr. Chock: Thank you Chair. I just wanted to introduce to everyone an outstanding student and someone that have gotten to know over the last year, Grace Peralta, a senior from Kaua'i High School. I am serving as her mentor for her Senior Project this year. She has had the opportunity to come out and see a lot of different projects that I work on. I will let Grace introduce herself and the many roles that she has in the community. She is looking to serve our community in the future. Thank you for being here, Grace.

Chair Furfaro: Grace, welcome. If you could take a few minutes to introduce yourself to the Council and the viewing audience. Welcome.

GRACE PERALTA: Thank you. Hi everyone. My name is Grace Peralta. I am a senior at Kaua'i High School and I am doing a Senior Project. Mason is my mentor like he said before. When he was my mentor, I did not know he would be part of Council. What I wanted to do with my Senior Project was going to be on the invasive mangrove. You folks know that Mason works on that in Niumalu. As I found out all the different things he was involved with, it was perfect because that is what I want to do in the future, to work in the community and work for the people. For me, I primarily like spending my time with the Boys & Girls Club. I am the President of the Leaders in Training Program which is the high school volunteer program with JoAnn too. She is there. I am also the Youth of the Year candidate. So, I am going to be competing on O'ahu for a scholarship in essays. We have essays. We need recommendation letters. Speeches, and interviewing. So, this is a good experience so I can get ready for that. I also am on the Kaua'i Leaders Against Suicide. I am the spokesperson so I kind of do all of the talking for that group. Our purpose of the group is to tell the community and present to our peers the signs of suicide and where to get help. Did you know that one (1) out of every six (6) teenagers in Hawai'i considers suicide? That fact right there really hit me and I just want to make a difference in that and just to promote life. Basically, that is what we do for that class, to promote life and go out to the community. We just did a sign-holding at the mall, saying who we are and the contact number of the National hotline. I am on the basketball team. I think that is it.

Chair Furfaro: Well, very good. Members, if Mr. Chock is finished. Are you finished?

Mr. Chock: Yes.

Chair Frufaro: Members, you have time right now. JoAnn.

Ms. Yukimura: Well, it has been a privilege to work as an Advisory Board Member of the Boys & Girls Club and work with club members like Grace. She mentioned the Youth of the Year competition and I just wanted to mention that besides speaking on Honolulu, she is going to be speaking on Kaua'i at the Youth of Year Brunch February 22nd at the Kaua'i Beach Resort. So, Grace and I think eight (8) other young people?

Ms. Peralta: Around there.

Ms. Yukimura: Yes, seven (7) or eight (8) young people will be speaking, giving three (3) minute speeches. As she mentioned, they learn interview techniques. They learn how to dress professionally. They learn how to speak. I mean I am in awe of these young people. They speak better than a lot of adults. They give very moving talks about their lives and how the Boys & Girls Club has affected them. It is open to the public, so if any of you are interested to come hear Grace and the others. I hope that you will join us. I want to just acknowledge that Grace is a truly a leader and as she mentioned, she is the President of Leaders in Training, which is a program in Boys & Girls Club. She is one of our shining stars.

Chair Furfaro: Mr. Kagawa, Mr. Rapozo, go ahead.

Mr. Kagawa: Thank you. I would just like to welcome you, Grace. You did a great job on your first speech here at the table. I think you have what it takes, the main quality of a Councilmember. I think why all of us ran is to try and make Kaua'i a better place for our people and those things that you said that you wish to do with your projects and with your I welcome you and hopefully you being here will show other youth of Kaua'i that the County Council is a good thing and that we need more candidates. Last election we had nine (9) people run and for such an important job, I think we need more candidates running to give people more choices. I welcome you and hopefully your being here will spread for the next election. Thank you.

Chair Furfaro: Mr. Rapozo and then Mr. Bynum.

Mr. Rapozo: Thank you, Mr. Chair. Thank you for being here. Are you going to be here for the rest of the day or night? I do not know how long it is going to be?

Ms. Peralta: Until 4:00 p.m.

Mr. Rapozo: Huh?

Chair Furfaro: Until 4:00 p.m.

Mr. Rapozo: Okay, well, thank you and congratulations on all that you have accomplished and you will continue to do. I can see that you will be a well-known member of the community very shortly. I want you to know that three are millions and millions of people watch this show on a daily basis. So, take this opportunity to share. I am hoping that the Chair will allow you to sit there until you have to leave and try to gain as much as you can from the discussions coming up. Your mentor, I was just listening to you speak and Councilmember Yukimura is correct, you speak well. You said more in three (3)

minutes than Mr. Chock has said since he got appointed to this position. Sometimes the student becomes the teacher.

Mr. Chock: That is right.

Mr. Rapozo: Anyway, I look forward to the next hour.
Thank you.

Chair Furfaro: Mr. Bynum.

Mr. Bynum: Ms. Peralta, welcome to this side of the table. Can we have her vote today too? Very well said. You took your opportunity, you talked about what you are doing, and even plugged the things that you are interested in. Well done. Thank you very much.

Chair Furfaro: From me, I would like to say that we are glad you can spend this hour with us and you can sit at the table with us today. Of the skills you referenced, I do want you to know that my wife Emma, is the single biggest *wahine* basketball fan on Kaua'i. I am sure we would like to see you on the court one day. Welcome.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: To the HR Department, thank you for giving us a few moments to welcome her. Tom, we will come back to you. I think Mr. Rapozo, you had the floor when we broke for recess.

There being no objections, the rules were suspended.

Mr. Rapozo: No, I think he answered my question. I just wanted to share that that is the concern that I am gearing. I am sure you hear it too, Tom, and just trying to see how we can improve the process so everyone can get a fair and consistent opportunity as they reclassify positions within their Departments. Thank you. Thank you, Mr. Chair.

Chair Furfaro: Other questions for HR, in particular on the report? Steve, I want to compliment you and Tom on the report, the format. I know the ladies even talked to me about some of the changes. They are all really, really good progress that we have made here, but I think the one thing that we would like to see is this. Can I use the term "aging" of the vacant positions? So, I would like to see how many of those positions are thirty (30) days, sixty (60) days, ninety (90) days, and one hundred twenty (120) days. Go ahead, Steve.

STEVEN A. HUNT, Director of Finance: If I could speak to that.

Chair Furfaro: Yes.

Mr. Hunt: Steve Hunt, Director of Finance. Welcome honorary Councilmember Peralta. The vacancies and the aging list is actually a concern to us too from the creation of fund balance. As you are very aware, we have been using twelve million dollars (\$12,000,000) to balance the budget from unassigned fund balance each year. As we are getting close to this budgeting to

actual figures, we anticipate that the lapse in those fund balances will be much smaller. One of the ways that we have been attempting to create and preserve that fund balance has been instructions to Department Heads to curb vehicle purchases, equipment purchases, and reduce their travel by half. Those were instructions for Fiscal Year 2014 and are continuing to go on in Fiscal Year 2015 to hold the line. Another one which is germane to this discussion is filling vacancies. We have advised Departments where practical, to hold vacancies for six (6) months. In many cases, it is not practical. It is something that there are functions that have to be done, that cannot be done if the staff is not filled. There are health and safety that get priority. Those are filled with more urgency, but we are practical and we are reviewing those requests as they come in through NEOGOV, is to hold that line for six (6) months prior to filling. So, there is actually some method to the madness if you will, for some of the positions not filled immediately and that is the attempt to create fund balance from unexpended salaries for the remainder of the year.

Chair Furfaro: Thank you, Steve for that and I guess that is why I made the comment about the Police Department, the Fire Department, public safety, and so forth. The policy that you just also shared can bite us in the *ōkole* and you know exactly that I am talking about. We have positions that are vacant that we do not need, but ultimately, the purpose of that is only to earn more money to lapse and there has to be another way to do that too. I think this Council is in a position that we would like to have more information about the aging of the vacancies and that will help us understand if we want to fill a position that we feel we need more than another, we have that opportunity to have the discussion with the Administration. I appreciate the fact you know exactly where I was coming from.

Mr. Hunt: To that, too, if you are looking at that as a sort of a position by position the same way we are, then I am a little more reassured as to a general policy that if it is not filled in six (6) months, it is dollar-funded and if it is not filled in a year then it is gone. My case in point, I have sort of return rights that I have exercised to leave. If my position goes vacant for more than had a year and it is now gone, I have concerns, speaking selflessly.

Chair Furfaro: Yes, but you are not going back to your old position.

Mr. Hunt: No comment.

Chair Furfaro: I had to put that in there to help to compliment how pleased we are with the work you are doing right now. The point is well made. If we could have something to look a little bit at the aging, it would help us. Mr. Rapozo.

Mr. Rapozo: Thank you, Mr. Chair. Steve, the return right is a right that the County has to acknowledge. It is not something that we have a choice. So, when a position becomes vacant and we maintain that position, again, that rolls into the surplus, unless it is dollar-funded.

Mr. Hunt: In case mine was dollar-funded, yes.

Mr. Rapozo: Right, so that is not impacting the surplus, but it was never that way. Every position, vacant position, historically was always fully funded and that always contributed to that exorbitant surplus that we would

have enjoyed at the end of the year. I think some adjustments have been made now where we do the dollar-funding so it does not impact. I will just make sure that the public understands that the public is not paying for a position waiting for Steve Hunt to decide whether or not he will stay as Finance Director.

Mr. Hunt: No.

Mr. Rapozo: It is a dollar.

Mr. Hunt: Correct.

Mr. Rapozo: Thank you.

Mr. Kagawa: Thank you, Chair. This one came to me from the public as soon as we started the automated system of trash service. There is one (1) worker who drives that automated truck and when we had it manually, we had as much as three (3) people on the truck at a time or four (4)?

Ms. Yukimura: Three (3).

Mr. Kagawa: Three (3)? So, this one came from the public, right away they told me, we are going with the automated, what happens to those other two (2) workers that used to be on that truck? You do not have to really answer that now, but what I am saying is that I am hoping that when those people retire, that we do not fill that position because we know we are moving into fully automated. We are at Lihue and Kapa'a right now and we are trying to expand even more. When those positions retire, that we do not fill that position already because we can see the trend that it is no longer needed, right? As I understand it, they stay on that *huki pau* schedule forever, right?

Ms. Yukimura: It is insane.

Mr. Kagawa: I mean even if they are not on the truck again, they still stay on that *huki pau* hours, right? I do not know if you folks can answer that right now. Anyway, those are the kind of moves that I want to see by the Administration, knowing it is not benefiting the County to keep filling those types of vacancies and it would be a wise move. There may be other needs in Public Works for that body, but let us get that position out of the *huki pau* schedule. We have to utilize those retirements and start making those positions work to the best ability for the County.

Chair Furfaro: Mr. Kagawa, if you could add. There is a communication from me to the Administration that talks about this evolution just the way you are pointing it out. It has not come back on the agenda yet, but it is as these people were incurring overtime, large amounts, with the automation they were able to move staff to other routes to pick up their allocation. That communication went over, but I have not seen the return on it yet, but when it does return, we will put it on the agenda because you and I are on same page with that.

Mr. Kagawa: Thank you. I just wanted to make sure that the public brought it up to me and I bring it up to the proper authority because it is simple. Looking at the same job with less manpower, why would we continue to hire that *huki pau* schedule worker when it is not needed and in future, they are going to be needed less as we expand? Thank you. Thank you, Chair.

Chair Furfaro: Tom, so you understand, what we are looking at is as the automation expands, the first thing we are looking at the reduction in overtime from the Public Works people because they are able to spread some of this work out to a point that we need something from you that shows what the end goal is on the staffing. So, that commination went over and Ernie, you are familiar with what I am talking about, right? We will put that on as a separate agenda item.

Mr. Kagawa: Chair.

Chair Furfaro: Go right ahead.

Mr. Kagawa: If I can follow-up. We just heard earlier that we had an item regarding road maintenance and they said that they are way behind because I guess they no longer can use as much pesticides as before. They have to manually cut brush along the roads. If we are so short-handed there, there could be the need of that *huki pau* schedule worker. I am not saying that we do not need that worker. I am just saying that we could utilize that worker in a better position, but let us get them off that *huki pau* schedule as we have those retirements. Thank you.

Chair Furfaro: I think that is a point in the communication to, that they can then be used for road maintenance.

Mr. Kagawa: Thank you, Chair.

Chair Furfaro: Additional questions?

Mr. Rapozo: One (1) more question.

Chair Furfaro: Go ahead.

Mr. Rapozo: Maybe you know Tom, but maybe more for Finance. On the positions that are funded by Solid Waste Fund or Highway Fund, those that are not filled and there are a few in here several years, are we able to use those funds for anything else or is that restricted for salaries?

Mr. Hunt: They would not be restricted for salaries, but they would be restricted to uses within those funds that would be eligible for that use. So, if you had Highway Fund moneys that you wanted to use for paving roads or other purposes that were salary, and that position was not filled, then they could be used for other dedicated purposes.

Mr. Rapozo: Right, but we are being led to believe at budget time, that these positions are needed. I do not have a problem moving the funds if you take out the position that has been vacant since 2011 or 2010 and just put that money into the paving. I always had a problem with what the budget says and what we end up using the funds for. That has just always been a problem for me. I am really glad that the Council in years past has at least agreed to dollar-fund some of those positions. In cases like this, there is almost an incentive not to fill it because you want to use – not you, but the Administration or the Department wants to use those funds for something else. That is a concern.

Mr. Hunt: There is a policy within our Office though, in terms of transfer of funds. So, if you are looking to use funds that are earmarked

for salaries and put them into another use that is not an appropriate use and we do not approve that unless there is a strong justification. It is not essentially a slush fund that you have unspent salaries that you can then buy equipment with or do other things with. You just cannot do that transferred.

Mr. Rapozo: You can with permission.

Mr. Hunt: You can, but...

Mr. Rapozo: Permission that is not the Council's permission?

Mr. Hunt: Correct, myself and the Mayor. That is correct.

Mr. Rapozo: I think that is my point. The Administration comes here and says we need all this money for bodies and then throughout the years the money is transferred without the public ever knowing because it is not brought here.

Mr. Hunt: Right.

Mr. Rapozo: And that is I think...

Mr. Hunt: There are a number that I have turned down and I can speak to it that have come in for request.

Mr. Rapozo: That is good, Steve. But you are new. Do you know what I am saying? You are relatively new and maybe things have changed, but it still does not take away the fact the public never gets to see those transfers. What they see is that the budget that the positions are justified and then it is 2011 or 2008 or whatever. There are years and years and years that we have not filled it. The question was about the use of those funds. Thank you.

Chair Furfaro: Thank you, Steve. Additional HR report questions? If not, Tom and your staff, thank you very much. We certainly appreciate the new reporting and if you could take an aging note from Steve on those vacancies, it would be much appreciated. Thank you very much. This is a move to receive item, right?

Ms. Fountain-Tanigawa: Yes, we have a motion to receive and a second.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: Members any further discussion? Seems we were able to follow-up some of our expectations.

The motion to receive C 2014-29 for the record was then put, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

Chair Furfaro: 6:0.

C 2014-30 Communication (01/06/2014) from the Director of Finance, transmitting for Council information, the Second Quarter Statement of Equipment Purchases for Fiscal Year 2013-2014, pursuant to Section 17 of Ordinance No. B-2013-753, the Operating Budget of the County of Kaua'i for Fiscal Year 2013-2014: Mr. Kagawa moved to receive C 2014-30 for the record, seconded by Mr. Rapozo.

Chair Furfaro: I have a motion to receive and second. Do we have any specific questions of I guess, Ernie is here for that or Steve? If not, I would like to move to receive.

The motion to receive C 2014-30 for the record was then put, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

Chair Furfaro: Very good. Next item, please.

C 2014-31 Communication (01/08/2014) from Jennifer S. Winn, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims against the County of Kaua'i from October 1, 2013 through December 31, 2013: Mr. Rapozo moved to receive C 2014-31 for the record, seconded by Mr. Bynum.

Chair Furfaro: Jennifer is out ill, but we do have someone here from the County Attorney's Office. If there are no questions, I would like to move to receive.

The motion to receive C 2014-31 for the record, was then put and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

Chair Furfaro: Next item, please.

C 2014-32 Communication (01/08/2014) from the Salary Commission, transmitting for Council information, the Salary Commission's Resolution No. 2013-2, Relating to the Salaries of Certain Officers and Employees of the County of Kaua'i: Mr. Kagawa moved to receive C 2014-32 for the record, seconded by Mr. Rapozo.

Chair Furfaro: We have a motion to receive and second. If there are any questions, I believe we do have Mr. Hunt here.

Mr. Bynum: Can I have one (1) minute to talk to Jade just to ask a quick question?

Chair Furfaro: Sure, go right ahead. Steve, would you just come up. You can just mosey on up.

There being no objections, the rules were suspended.

Chair Furfaro: Have we met all the compliance as far as date specific, when this report should be put in?

Mr. Hunt: I am sorry, this is the report for the Salary Commission?

Chair Furfaro:
they planning to?

Yes, have we met the criteria for dates or are

Mr. Hunt:

I cannot speak to that.

Chair Furfaro:
over to answer that question?

Okay. Well, was Paula planning to come

Mr. Hunt:

I am not aware.

Chair Furfaro:

Okay.

Ms. Yukimura:

I have a question for Steve.

Chair Furfaro: Steve, I want to make sure that you understand what I am saying. The last time we went through this piece, we had a difficulty with the recommendation being on the back end of what should have met the Charter requirement for the date.

Mr. Hunt:

Okay.

Chair Furfaro:

Mr. Bynum does not have any questions?

Mr. Bynum:

I am fine.

Chair Furfaro:
you would like.

You are fine. JoAnn, you have the floor if

Ms. Yukimura:
subsidy is?

Steve, would you know what the value of

Mr. Hunt:

The Police subsidy?

Ms. Yukimura:

Yes.

Mr. Hunt:
(\$562) a month.

I believe it is five hundred sixty-two dollars

Ms. Yukimura:

Okay, five hundred sixty-two dollars (\$562).

Mr. Hunt: Yes, and there were two (2) that were being offered that; the Chief of Police and Deputy Chief of Police. I believe only the Deputy Chief of Police has expressed a willingness to apply for that.

Ms. Yukimura:
is a subsidy if they use their own car?

Because they either use the Police car or this

Mr. Hunt:
if they used their own car.

Correct. The subsidy would actually only be

Ms. Yukimura:

Right, okay.

Mr. Hunt: And they are non-pursuit vehicles. These are not your typical squad car that are sent out. These are more Sports Utility

Vehicle (SUV). They do have certain ratings and criteria and they have certain inspections that they go to keep them in service, but the intent is that because it is their personal car, they will take much better care of them, drive them carefully, and have a longer, less maintenance to the County.

Chair Furfaro: You okay with that JoAnn?

Ms. Yukimura: Yes, and the reason it is before the Salary Commission is because it is considered part of the salary.

Chair Furfaro: Yes.

Ms. Yukimura: Right?

Mr. Hunt: Yes.

Ms. Yukimura: Okay. Thank you.

Chair Furfaro: There is a tax liability for the individuals associated with that.

Mr. Hunt: It is taxable.

Chair Furfaro: I just want to make sure that we all realize that. Mr. Kagawa.

Mr. Kagawa: Thank you, Chair. The five hundred sixty-two dollars (\$562), how did we get that figure? Did we follow...

Mr. Hunt: It is part of the State of Hawai'i Organization of Police Officers (SHOPO) negotiations and it is for all Counties.

Mr. Kagawa: Thank you.

Chair Furfaro: Thank you, Scott. JoAnn.

Ms. Yukimura: Does the Chief and the Deputy get Standard of Conduct pay as well?

Mr. Hunt: That was also negotiated in this last agreement with the Salary Commission, that they would receive that as well.

Ms. Yukimura: Is that in here, too?

Mr. Hunt: I believe that came in a prior correspondence. This latest one I believe, only updated the subsidy for vehicles.

Chair Furfaro: I think the issue there was, JoAnn, that this came up in the SHOPO negotiation of which it was rather late this year, right?

Mr. Hunt: Yes.

Ms. Yukimura: But the Chief and the Deputy are not involved in SHOPO negotiations, are they?

Mr. Hunt:
are subject to the findings of them.

Well, they are not involved *per se*, but they

Ms. Yukimura:

They are?

Mr. Hunt:

Yes.

Ms. Yukimura:

They are part of the union rank and file?

Mr. Hunt:
eligible for the Standard of Conduct is my understanding.

Not the rank and file, no, but they are

Ms. Yukimura:
and file?

How is that if they are not part of the rank

Chair Furfaro:
send over to you, Steve.

Actually I think that is a question we will

Mr. Hunt:

Okay.

Chair Furfaro:
was then made by the Salary Commission and if there is any clarity, we should
make sure we are on the same page as them.

The fact of the matter is the recommendation

Ms. Yukimura:
justified at least the Union's justification for is that, as I understand it and maybe I
do not fully understand it, that Police can be prosecuted if they do not respond
off-duty?

Theoretically, the Standard of Conduct is

Mr. Hunt:
as well. There are certain...

I think it also has to do with carrying a gun

Chair Furfaro:
came from the Salary Commission, okay? We are all going to sit here at the table
and have some discussion here, but I think Mel can contribute something to this.
We would still like to ask the Salary Commission what supported their
recommendation and we need to be there, not all of us guessing here. Mr. Rapozo
you have the floor.

Steve, hold on a second here. The decision

Mr. Rapozo:
is not about the gun or it is not about – what it is, is the Officers can be punished
internally at the Department for actions that they do off-duty. That is what
separates them from any other – Mel Rapozo as a Councilmember could go out
today and get drunk and get a Driving Under the Influence (DUI). I cannot be
disciplined for my actions off-duty.

I just want to clarify Standard of Conduct. It

Ms. Yukimura:

I think you can.

Mr. Rapozo:
the Officer does something off-duty, he gets punished by the Department and that is
why the Standard of Conduct was created years ago. That is the difference. That is
why they get this, because they have to be professional on-duty and off-duty and
they are subject to employment punishment for any action that they do off-duty.

No, you cannot. The Police Officer can. If

That is Standard of Conduct. I just want to make sure that the right information is going out because there are millions of people watching.

Chair Furfaro: What I would like to do is I am going to send the inquiry over to Paula, copying you, so that they can have that discussion with the Salary Commission on their interpretation, okay? That is what we need to know first, how they made that interpretation. Any more questions? If not, I will excuse you, Steve.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: We have a motion to receive. Do we not? Is there anyone in the audience wanting to testify on this item?

There being no objections, the rules were suspended to take public testimony.

There being no one to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2014-32 for the record was then put, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

Chair Furfaro: Let the record show – was that a nay, JoAnn?

Ms. Yukimura: No.

Chair Furfaro: I did not mean to call you, Jo.

Ms. Yukimura: It is not a problem.

Chair Furfaro: Every time I use the word “guy,” I address a woman with that, I hear it from my wife. So, I want to make sure.

Ms. Yukimura: Thank you, Chair

Chair Furfaro: JoAnn, okay. We are fine on receiving that 6:0, right? Next item, please.

C 2014-33 Communication (01/08/2014) from the Director of Parks and Recreation, requesting Council approval to accept a monetary donation in the amount of \$1,500 from the M.A. Rikard Charitable Trust for youth programs at the Kalāheo Neighborhood Center/Gymnasium: Mr. Kagawa moved to approve C 2014-33 with a thank-you letter to follow, seconded by Mr. Rapozo.

Chair Furfaro: Seconded by Mr. Rapozo. Are there any questions? The Deputy is here along with his trustee support. Any questions here? No questions? Thank you gentlemen for being here.

Mr. Kagawa: That is the wrong one.

Chair Furfaro: Oh, I am sorry. I am here? Oh, thank you. Do not leave. It would help if I put my glasses on. Okay, we are on C 2014-33? Any questions for the Department?

Ms. Fountain-Tanigawa: We have a motion and a second.

Chair Furfaro: None? Yes, I want to restate since I am on the right number. I read the number. Is there any questions for the Department? No? On that note, discussion members? Mr. Kagawa.

Mr. Kagawa: Thank you, Chair. A lot of times we have donations in the form of equipment or something that a person does not need anymore or anything, but this is a cash donation of one thousand five hundred dollars (\$1,500) that will go specifically to the Kalāheo Neighborhood Center. So, I just really want to say that is a really nice gesture and one thousand five hundred dollars (\$1,500) in cash can do a lot of good things for the center. I want to thank them.

Chair Furfaro: Very nice to point that out as a cash donation. Any further comments or discussion? None. This is a vote to approve, please.

Ms. Fountain-Tanigawa: Approve with thank-you letter.

Chair Furfaro: Yes

The motion to approve C 2014-33 with a thank-you letter to follow was then put, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

Chair Furfaro: Gentlemen, we will go to the next item, which actually has an extra zero (0) in it. The first one was one thousand five hundred dollars (\$1,500) and the next one is fifteen thousand dollars (\$15,000). May we read that communication, please?

C 2014-34 Communication (01/09/2014) from the Fire Chief, requesting Council approval to reallocate funds from Account No. 001-1102-566.89-06 (Fire Department, Fire Operations – Public Safety) for the purchase of swiftwater rescue safety gear and equipment in the amount of \$15,000: Mr. Chock moved to approve C 2014-34, seconded by Mr. Rapozo.

Chair Furfaro: Chief, I am going to ask you to come up for a moment, if you could. You can bring your colleague with you too, if you would like to come up.

There being no objections, the rules were suspended.

Chair Furfaro: Okay, dropping in at Makaha Point Surf, you probably drop in at about twenty-three miles per hour (23 mph). What is referencing here “swiftwater?”

JOHN BLALOCK, Deputy Fire Chief: Good afternoon Chair and Councilmembers. For the record John Blalock, Deputy Fire Chief, Kaua'i Fire Department.

Chair Furfaro:

Go ahead and introduce yourself.

JASON ORNELLAS, Kaua'i Fire Department Battalion Chief: Good afternoon, Council Chair, Jason Ornellas Battalion Chief with the Kaua'i Fire Department.

Chair Furfaro: Thank you, Jason. Could you give us a better definition of "swiftwater?"

Mr. Blalock: I am glad you asked that because I just looked it up. Chair, it was swiftwater and what the definition was and I did talk to some of the Firefighters that went to the training. According to the NFPA, National Fire Protection Association, swiftwater is any water moving at one (1) knot or greater, which is basically one mile per hour (1 mph).

Chair Furfaro: So, shoreline current could be swiftwater. Dropping in at Makaha at twenty-three miles per hour (23 mph) is swiftwater too. What would this safety gear amount to as far as a purchase? Is it a special torpedo pack? What is it?

Mr. Blalock: Basically, what we are looking at is this personal protective equipment and for those Firefighters. Actually, what we are looking at is to man stations. Certain things will be assigned to certain Firefighters, but some of the equipment is basically for each station, that they will be afforded the equipment that we can start the training. A lot of things that we do, we have identified – I mean we have been dealing with swiftwater incidences for years on Kaua'i and as people know, with all of our tributaries and waterways that we have, we are almost like the capital swiftwater for the State. We could almost do swiftwater rescues here. We have gone through this with years and our training, not only on the rescue side, but as Firefighters we have mitigated a lot of situations that have come about. Kind of what brought this to the forefront again for us is that in 2013 in February, again we had our big rains again. We had flooding on all parts of the island. Hanalei, the bridge closed down. We had that one big really big rescue. I think it made a lot of YouTube's and things about going into – excuse me Grace. Hi, Grace. But we went into Hanakāpī'ai and did a rescue with – there was like forty (40) people stuck all over there. So, this kind of got us into this and we did lose a life there. Again, we need to reprioritize and looking at risk managers. Where are we doing it and what are we doing with the moneys that we had? So, before the end of Fiscal Year 2012-2013, we did have some money left in training that we sent three (3) personnel up to Colorado for swiftwater training. As part of their tasks, we asked them to do the Risk Analysis, do your Standard Operating Guidelines (SOG), and again to start the training. What it came down to is that before we got to the point and we looked at it, we did not have the equipment even to start the training, even at an awareness level, which is something that we are saying that we have to start to do to have these things in place. So, when we look at our budget, these moneys that were assigned here were for airbags, which needs replacement. They have a shelf life of about ten (10) years and airbags is what we use to extricate – well, not only extrication, but also a lifting mechanism in certain areas. Battalion Chief (BC) Ornellas went back and talked to the provider of the airbag and they said, "Hey, what can we do instead of buying the whole unit? Could we go back and try to bring the costs down so that we could allocate some of these moneys towards some swiftwater gear?" So, what happened is that we identified the airbags and keeping all the hardware, the regulators and hoses and

things that are already in place and use the remainder of those moneys to purchase this swiftwater gear.

Chair Furfaro:

Who wrote the grant?

Mr. Blalock: This is actually a line item that we had in our budget. It was not so much a grant *per se* for this equipment. It was a line item we had in our budget.

Chair Furfaro: Okay. I just wanted to get some clarification. Steve, as a line item approved in their budget, what is the requirement for them to come back to us if this is not a grant?

Mr. Hunt: Is it equipment purchased over ten thousand dollars (\$10,000)?

Chair Furfaro: Okay, got it. I should have known that. It did not make the minimum. Thank you. JoAnn.

Ms. Yukimura: Chief, does swiftwater rescue refers to both ocean and freshwater streams or mainly freshwater?

Mr. Blalock: Basically the way that the NFPA and a lot of what we are going through, that is our standard in the fire service. NFPA is actually, when they say swiftwater, it is more tributary freshwater incidents that we have, not only here, but in Colorado and Nationwide. That is the way that they look at a swiftwater incident.

Ms. Yukimura: Okay. How many swiftwater rescues have we had on Kaua'i?

Mr. Blalock: Many, and actually, like I said, I almost wanted to say a story that even in that same season that we had all of the swiftwater rescues there was a truck at Loop Road that was swept in and you still need to do a rescue. There were people in Waimea Valley. You want to share that one?

Mr. Ornellas: Yes as Chief Blalock said, it happened in last year or so, up Loop Road there are several crossings and there is water crossing over the culvert. People tried to cross and they got swept over the bridge. They were on the roof of the car and the Kapa'a Fire Station responded and without really any formal training *per se*, we have kind of been doing the best we can and training and trying to be aware of it, but without any formal equipment or training. They got a rope to him and got the person secured. Basically, it was like a pendulum to the bank of the river and the truck got swept away right after that. In the same vein, the same occurrence at Hanakāpī'ai Stream, I was on-duty BC. We had a vehicle trying to cross up in Waimea Valley. This is in the middle of the night. We had the rescue squads tied up overnight in the valley. So, the Waimea Firefighters went out there and they went out. The people were out in the middle of the stream and they went and secured them. Like I said, we were kind of improvising. We try to get the job down our talents. We have a lot of surfers and so they basically ties the ropes to the surfboard and paddled out into the river and drifted down towards the vehicle in the stream and they were able to secure the passenger in the vehicle. Then as things started to escalating, there was a resident

from Waimea Valley who came out with the mule and the mule pretty much made its way out to the vehicle and everybody came to shore safely.

Ms. Yukimura:

Wow.

Mr. Ornellas: As Chief Blalock said, recently, we have been doing a lot with what we have for a long time. We have higher populations, just the type of tourism that we have. There are a lot of adventure tourism and all of these people going into these hidden place that we never really used to have to deal with before. A lot of the times it would be just residents that would now to find shelter in place or hunters, but now we are finding ourselves responding a lot more to these occurrence where people are not equipped for the situation at-hand. We needed to be proactive in our approach in trying to get the training and equipment to better accomplish our Department's mission to serve the public and ourselves. Also, ourselves to be safe because we are going to go. We are going not respond. We are not going to sit on the bank and wait for anything to happen we are going to go. So, it is better for us to be safe for our personnel also. We are trying to protect our people.

Ms. Yukimura: Well, thank you for the explanations. When you cite those specific incidents, it is really clear what you are being called to do and also how proactive you are by developing this training and getting the equipment for it. So, that is really good. It also really illustrates the justification for us to get more Transient Accommodation Tax (TAT) money because so many of your rescues and the expense for is being caused by the visitors that are here. Thank you very much.

Chair Furfaro:

Who else? Vice Chair.

Mr. Chock: Thank you, Chair. I can recall many swiftwater incidences in the Fire Department. I had just a clarification question. Are you saying that the equipment that was being purchased is for each Firefighter and the second question I had was is there a maintenance cost for the equipment that you are purchasing?

Mr. Blalock: Basically, what we are looking at Councilmember Chock, is that some of the equipment will be for Personal Protective Equipment (PPE) to each Firefighter, but some of the cash that we are looking at is going to be to specific stations. Some is to specific stations and then some is to outfit all stations with a certain cache to at least come in and to make an assessment and to maybe stabilize the situation to which we come upon.

Mr. Chock:

Thank you.

Chair Furfaro:

Mr. Kagawa.

Mr. Kagawa: Thank you. A lot of you do not know, but Jason used to be from Pop Warner pee wee to high school, we were against each other, going head-on, and basically fighting out there. It is kind of funny to see Jason across the rail here, but we have got Super Bowl coming up. Anyway, with the fifteen thousand dollars (\$15,000), it does not seem much for equipment to spread amongst all of our stations. Are we still deciding how we are going to spread all of the equipment out or we kind of know?

Mr. Blalock: A lot it is PPEs. We are looking at personal PPEs and what is required by the training that they had through NFPA. Maybe I did not answer Councilmember Chock's question on the ongoing and the maintenance of equipment that we would be purchasing. Through attrition, you need to supply as new Firefighters come in and things like that. Basically, the caches that are there, probably has a life span of ten (10) to fifteen (15) years as far as when we are having it there and then you have the cycle problem that you have to redo the cache. One of the very unique items that is we are going to be procuring is like a banana boat. A banana boat is like a floatation boat, but there is a hole in the bottom and the water can still flow through and you can still get it to wherever the victims are. These are some of the things that again, for us even on an awareness level, we did not have prior to going through the training. The personnel that went to the training are training the trainers. So, they have received the training and now we are looking at this to train the Department.

Mr. Kagawa: Basically, you said that you folks have been doing swiftwater rescues for many years, but this equipment here will give you folks better resources and tools to do future swiftwater rescues and things?

Mr. Blalock: Definitely on the risk management side, not only for Firefighters, but also for the community as a whole and how we approach these incidents moving forward.

Mr. Kagawa: This is mostly for freshwater or even in some cases can the ocean, too?

Mr. Blalock: Chair brought it up, but it is the delineation as far as when you are saying swiftwater and ocean rescue. These equipments basically, no. We already have a cache and PPEs as far as pertaining to ocean rescues and things like that. So, this is basically going to be focusing on freshwater.

Mr. Kagawa: *Mahalo.* Thank you, Chair.

Chair Furfaro: Any more questions? Jason, were you defense or offense when you folks played across from each other?

Mr. Ornellas: We were both ways. We were always facing each other, offense and defense and then we played community basketball after that, without pads.

Chair Furfaro: Chief, I just want you to know that I will revisit this with Steve afterwards. The reason I asked the question if it was previously in the budget, and so forth, this Section 17 in the proviso kind of makes an exception for emergency equipment previously budgeted for. I think we would need a little bit more clarity because I would think that something is in the Fire budget or Police budget and it is budgeted for, it is not accepting a grant and it is for emergency services, I did not think you had to come back to us. If it was intended for all other types of equipment, but we will just get some clarity going forward. Thank you very much for the work that you did in putting this together. I will excuse the two of you and see if we have any testimony from anyone in the public. It does not look like it.

Mr. Ornellas: Thank you.

There being no one to provide testimony, the meeting was called back to order, and proceed as follows:

Chair Furfaro: We are going to vote on this item right now.
Further discussion?

Mr. Rapozo: Mr. Chair?

Chair Furfaro: Yes.

Mr. Rapozo: I know they are walking out.

Chair Furfaro: Hui.

Mr. Rapozo: No, no. I just wanted to thank them. I think their examples that they cited really, really tell the story about what the Fire Department does. I mean a lot of the things that they do not make the –that is the Waianae.

Chair Furfaro: I know, it just came out. You folks are talking football, the next thing I know, I am giving them the old Country call. Talk about looking *kua 'āina*.

Mr. Rapozo: But a lot of the things that they do, we read about it in the paper because some truck got flipped into the stream. But the details about the mule and about improvising. I think it is important that the public understand that these gentlemen and ladies in the Fire Department do risk their lives and they do whatever it takes to save lives. This request here is no new money. It is a departure of what the budget, and exactly what I was talking about in a prior item. I mean it makes no sense to me as the Chair has stated that they are required to come here to move money from a line item that was supposed to be used for airbags and attachments to swiftwater rescue equipment, which is helmets, ropes, carbineers, and gloves, minor things that they need. But yet, for the other Departments, they can take salary money and move it to something completely different and not step in this office. I think that is where I am saying there needs to be some consistency. I do appreciate it because this is different from what the budgeted item was and the public gets to see that the transfer is happening. It is happening for equipment, but it is for equipment that is much needed. Again, it is not new money and the Kaua'i Fire Department will realize a cost savings in the process. Thank you, again. I do not know if you got the first part of it, but I am curious to see how Ross votes because of your competitive nature. He may vote no, but I still think we have the votes to make it happen. Thank you, Mr. Chair.

Chair Furfaro: Okay. If there is no other dialogue, Chief, we are going to vote on this now. You can leave today with an answer one way or the other, if you should go right ahead and we will seek some clarity on emergency equipment versus emergency purchases going forward. Any further dialogue? If not, this motion C 2014-34 for approval.

The motion to approve C 2014-34 was then put, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

Chair Furfaro: If not, Chief, 6:0, you are fine. Jade, we are going to top of the page 4.

CLAIMS:

C 2014-37 Communication (12/26/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Alamo Rental Damage Recovery Unit, for damages to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Kagawa moved to refer C 2014-37 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Mr. Rapozo, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

Chair Furfaro:

Next claim, item 2.

C 2014-38 Communication (01/06/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Amy Bonvillain, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Kagawa moved to refer C 2014-38 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Mr. Chock, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

Chair Furfaro:
now.

We are going to go to Committee Reports

COMMITTEE REPORTS:ENVIRONMENTAL SERVICES / PUBLIC SAFETY / COMMUNITY ASSISTANCE COMMITTEE:

A report (No. CR-EPC 2014-01) submitted by the Environmental Services / Public Safety / Community Assistance Committee, recommending that the following be Received for the Record:

"C 2014-14 Communication (12/06/2013) from the Civil Defense Manager, requesting Council approval to receive and expend grant funds in the amount of \$475,000 from the United States Department of Homeland Security via the State of Hawai'i, Department of Defense, for the Fiscal Year 2013 State Homeland Security Grant Program for the following:

- 1) Continue to enhance the capability of State and local units of government to prevent, deter, respond to, and recover from threats and incidents of terrorism involving the use of chemical, biological, radiological, nuclear and explosive weapons, and cyber attacks, in addition to day-to-day all-hazards scenarios;
- 2) Continue to provide support to Citizen Corps Councils with planning, outreach, and management of Citizen Corps programs and activities, such as Community Emergency Response Teams and Neighborhood Watch,"

Mr. Bynum moved for approval of the report, seconded by Mr. Kagawa, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

A report (No. CR-EPC 2014-02) submitted by the Environmental Services / Public Safety / Community Assistance Committee, recommending that the following be Amended to Bill No. 2515, Draft 1; Received for the Record on second and final reading:

“Bill No. 2515 A BILL FOR AN ORDINANCE AMENDING SECTION 21-9.2 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT,”

Mr. Bynum moved for approval of the report, seconded by Mr. Kagawa, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

FINANCE & ECONOMIC DEVELOPMENT (TOURISM / VISITOR INDUSTRY / SMALL BUSINESS DEVELOPMENT / SPORTS & RECREATION DEVELOPMENT / OTHER ECONOMIC DEVELOPMENT AREAS) COMMITTEE:

A report (No. CR-FED 2014-02) submitted by the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2517 A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE UNDER CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, ENTITLED CAT LICENSING PROGRAM,”

Mr. Chock moved for approval of the report, seconded by Mr. Bynum, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

A report (No. CR-FED 2014-03) submitted by the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2513 A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B 2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of Economic Development, Executive/Consultant Services (Joint Fact Finding Group (JFFG) Scope-of-Work Environmental Public Health Impact Study (EPHIS)) - \$100,000*),”

Mr. Chock moved for approval of the report, seconded by Mr. Bynum, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

A report (No. CR-FED 2014-04) submitted by the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, recommending that the following be Received for the Record on second and final reading:

“Bill No. 2514 A BILL FOR AN ORDINANCE AMENDING SECTION 5 2.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY MOTOR VEHICLE WEIGHT TAX,”

Mr. Chock moved for approval of the report, seconded by Mr. Bynum, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

A report (No. CR-FED 2014-05) submitted by the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2518 A BILL FOR AN ORDINANCE AMENDING
ORDINANCE NO. B 2013-754, AS AMENDED, RELATING TO THE
CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII,
FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY
REVISING THE AMOUNTS ESTIMATED IN THE SPECIAL TRUST FUND
FOR PARKS & PLAYGROUNDS (*Black Pot Park Expansion - \$94,427*),”

Mr. Chock moved for approval of the report, seconded by Mr. Bynum, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2014-02) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

“COW 2014-01 Communication (01/10/2014) from Councilmember Yukimura, requesting agenda time for a presentation from Families First Hawai'i Services, Inc., on the Feasibility Study for the proposed Residential Adolescent Drug Treatment Center),”

Mr. Bynum moved for approval of the report, seconded by Mr. Rapozo, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

A report (No. CR-COW 2014-03) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2519 A BILL FOR AN ORDINANCE APPROVING A
COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 11
BETWEEN JULY 1, 2011 AND JUNE 30, 2017,”

Mr. Bynum moved for approval of the report, seconded by Mr. Rapozo, and carried by a vote of 6:0:1 (*Mr. Hooser was excused*).

RESOLUTION:

Resolution No. 2014-01 – RESOLUTION ESTABLISHING NO PARKING AT ANY TIME ALONG PORTION OF KOLOA ROAD, KOLOA DISTRICT, COUNTY OF KAUAI: Mr. Bynum moved to adopt Resolution No. 2014-01, seconded by Mr. Chock.

Chair Furfaro: May I ask, Larry, do we have a map of what area this contains here? I have one in a packet, but is it the entire Kōloa Road? It cannot be the entire Kōloa Road, right?

There being no objections, the rules were suspended.

Mr. Dill: For the record, Larry Dill, County Engineer. Chair, you should have in your packet, a location map and an Exhibit A which is a

close up of the specific area where we are proposing to implement the no-parking. So, the location map shows you the location...

Chair Furfaro: I am sorry. It was one (1) page ahead of me. I had just the aerial overview. Thank you for being here, Larry.

Mr. Dill: Sure.

Chair Furfaro: Any other questions for Larry while he is up?
No?

Mr. Rapozo: I have a question

Chair Furfaro: Question for you, Mr. Dill.

Mr. Rapozo: Thank you, Mr. Chair. So, this was in response to the Committee request?

Mr. Dill: Yes.

Mr. Rapozo: How did this come about and was the community in general notified or the Kōloa Community Association...?

Mr. Dill: No, our communication was with the owner of the property whose customers has had difficulty getting in and out safely.

Mr. Rapozo: We did not have an opportunity to?

Mr. Dill: That is correct. We did not speak with the community.

Mr. Rapozo: We have been down this road Mr. Chair, and I am really hesitant to approve these things without having some input. To me, it looks like a reasonable request, but this is a request from an individual landowner and as we went through this exercise with Kōloa Road as well – I am sorry, it was Po'ipū Road. I just want to make sure before we – I think that would be part of the engineering. As they go through the request like this, maybe the person who is considering this, the landowner, is required to notify people within a five hundred (500) foot radius or something like that because this is a major change and I feel uncomfortable voting today because I have no idea. I think at least the Kōloa Neighborhood Association should have the opportunity anyway to chime in.

Chair Furfaro: At minimum.

Mr. Rapozo: That is all that I am saying.

Chair Furfaro: Mr. Kagawa.

Mr. Kagawa: Thank you, Chair. I agree. I think if we pass this and the no-parking signs go up, they will be blaming the Council for not giving them ample time to respond. I would appreciate it if Public Works or the Mayor could check with some of the nearby businesses there, if they have any problems. If they do, they can contact the Council. I will even be contacting the Kōloa Fish Market and let them know, too, to let some of their neighbors know

about this proposal. However, if the businesses around the area feel like it will not impact business and that they are okay with it, then I have no problems approving this. I would not mind waiting a week or two (2). Thank you.

Chair Furfaro: Mr. Kagawa, are you interpreting this the same way I am? Bert's Fish House is somewhere where Beverly Hashimoto's property is, right? So, Larry, if we are interpreting the same thing, that is a sixty (60) foot setback of no parking from the corner? That is sixty (60) feet?

Mr. Dill: I thought it was fifty (50) from the center. I am sorry. You are right. Sixty (60) feet, correct.

Chair Furfaro: Sixty (60) feet, that is a lot. Go ahead, Vice Chair.

Mr. Chock: Just another clarification, is the proposed no-parking area also fronting the business owner's property?

Mr. Dill: No.

Mr. Chock: It is not?

Mr. Dill: No.

Chair Furfaro: Larry, how urgent if we defer this for two (2) meetings?

Mr. Dill: We can defer it and take care of those things. That is not a problem.

Chair Furfaro: I have a tendency on this one to agree with Mr. Kagawa and Mr. Rapozo. It would be right to do follow-up and talk to the Community Association because with these other businesses over here, I think all that will do is force these people to park in the parking lot of the Post Office.

Mr. Dill: I am sorry. There is more parking along and in frontage of the other property. This is just in the vicinity, but I hear you.

Chair Furfaro: I would like to defer this members, for two (2) weeks if I could.

Mr. Rapozo: I just have one (1) more question.

Chair Furfaro: Go ahead.

Mr. Rapozo: Larry, on the map, this is not to scale obviously, right? The close-up map where you are showing the intersection? It is between the Kōloa Cultural Center building. The requester, is that the Kōloa Cultural Center building?

Mr. Dill: Yes.

Mr. Rapozo: I do not know if you are even prepared to answer this, but from Wiliwili Road intersection to the start of the property of the requester, how far is that?

Mr. Dill: I do not know that distance.

Mr. Rapozo: Because I am just looking at the little black mark.

Mr. Dill: Yes.

Mr. Rapozo: I do not think that actually depicts sixty (60) feet.

Mr. Dill: It may not.

Mr. Rapozo: When you look at this picture, it looks like maybe one (1) car, but sixty (60), you are talking removing parking of six (6) vehicles.

Mr. Dill: No, that would be three (3) vehicles.

Mr. Rapozo: Three (3) for sixty (60) feet?

Mr. Dill: Yes.

Chair Furfaro: Really?

Mr. Rapozo: One (1) car is twenty (20) feet long.

Mr. Dill: Well, a typical parking stall is eighteen (18) feet.

Mr. Rapozo: Eighteen (18) feet?

Mr. Dill: Yes.

Mr. Rapozo: So, that would be three (3) parking stalls?

Mr. Dill: Yes.

Chair Furfaro: Well, then for lateral parking, my daughter should never had ever has a problem with eighteen (18) feet.

Mr. Dill: No comment.

Chair Furfaro: Mr. Bynum.

Mr. Bynum: Just a clarification. It says sixty (60) feet from the center line of the entrance. So, some of that sixty (60) feet is a driveway. (Inaudible.)

Mr. Dill: Correct, three-ish parking stalls.

Mr. Rapozo:

Okay, we will see. Thank you.

Chair Furfaro: Is everybody okay with the request to defer for two (2) weeks? We are going to get a motion to defer here.

There being no objections, the meeting was called back to order, and proceed as follows:

Ms. Yukimura:

Was there a motion?

Mr. Rapozo moved to defer Resolution No. 2014-01, seconded by Ms. Yukimura, and carried by a 6:0:1 vote (*Mr. Hooser was excused*).

Chair Furfaro: Thank you, Larry. We will see you in two (2) weeks. Next item, please.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2529) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Police Department Workers Compensation Medical – \$110,000*): Mr. Kagawa moved for passage of Proposed Draft Bill No. 2529 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 26, 2014, and that it thereafter be referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, seconded by Mr. Rapozo.

Chair Furfaro: I have a second from Mr. Rapozo, a motion by Mr. Kagawa. Discussion? JoAnn.

Ms. Yukimura: I would like to send a question to the Police Department while we go through the process of public hearing, to see, if like the Fire Department they have looked in their budget to find the money somewhere in their budget.

Chair Furfaro: While this is for first reading, to send over a query in their current budget if they could not find the money from other opportunities.

Ms. Yukimura:

Even unexpended salaries.

Chair Furfaro: Okay. We will send that communication over. But in the meantime, we have a motion to approve on first reading with public hearing for February 26th and on that note, I would like a roll call vote please.

The motion for passage of Proposed Draft Bill No. 2529 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 26, 2014, and that it thereafter be referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee, was then put, and carried by the following vote:

FOR PASSAGE:	Bynum, Chock, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 6,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Hooser	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Chair Furfaro: 6:0. Thank you. we are going to go to Bills for Second Reading now.

BILLS FOR SECOND READING:

Bill No. 2513, Draft 1 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of Economic Development, Executive/Consultant Services (Joint Fact Finding Group (JFFG) Scope-of-Work Environmental Public Health Impact Study (EPHIS)) - \$100,000*): Mr. Rapozo moved to adopt Bill No. 2513, Draft 1 on second and final reading, and that is be transmitted to the Mayor for his approval, seconded by Ms. Yukimura.

Chair Furfaro: Discussion? Mr. Kagawa.

Mr. Kagawa: Thank you, Chair. This relates to Bill No. 2491, now Ordinance No. 960. I did not support the Bill and I did not think that it belonged in the County's hands to pursue these types of studies or these kind of fact finding. However, the Bill is now an Ordinance and one of the main things that I came out with after going through all of the hours and hours of discussion and community input, is that somebody needs to do a study on the health impacts and on the impacts on the environment. I think I will reluctantly support this Bill on Second Reading because I feel like the Federal government and the State has the expertise to know what to do with a study like this and they have the knowledge. When we are done with the study, what are we going to do here at the County? We do not have scientists or doctors. The State and Federal government have people like that on their payroll. I just feel like we are doing a study, but at some point when we find out what is happening to the environment and to the health and safety of the public, that will flow back to the State and flow back to the Federal to do something about it. For that reason, I will vote in support of this Bill on Second Reading just because I believe that the people of Kaua'i deserve to know the impacts of pesticide use on their health and on the environment. Thank you.

Chair Furfaro: Thank you very much for that statement, Mr. Kagawa. I do believe that the people in our County deserve the right to know. One way to find out is by doing the fact-finding piece. Thank you for those comments.

Mr. Kagawa: You are welcome.

Chair Furfaro: JoAnn, you have the floor.

Ms. Yukimura: I, too, appreciate Councilmember Kagawa's thinking and intention to vote "yes" on this. To me, it was the crux of the debate on Bill No. 2491. I do not think nobody else is embarking on a study like this. So, somebody needs to do it. I think this joint fact-finding process is the way to go about dealing with it. I think it can be a real contribution to setting good public policy on this issue.

Chair Furfaro: Any more discussion? To the Deputy Clerk, this will be a voice vote? No? Roll call vote. That is what I meant. I am sorry. Now, before we go any further, members, there are other Money Bills coming up today and at the same time, we have a number of people traveling to Denver for the Planning Conference. If you would like to defer any of these future Bills, please make a date specific and the date we are looking at is February 26th. Okay? JoAnn, you have the floor.

Ms. Yukimura: No, I will make my comments on the next Bills. Thank you.

Chair Furfaro: Are we ready to have a roll call vote here?
Mr. Bynum.

Mr. Bynum: I am going to support this. This is the first stage of creating the scope-of-work for a study that the community, I think, has requested and needs. I want to point out just in these comments that we need to do this study because no one to my knowledge, has ever studied the impact on any community of the research agricultural practices that are occurring here on Kaua'i. All the regulations, State, County, and Federal, are all focused and assume production agriculture. What is occurring here on Kaua'i is experimentation on a vast majority of the lands that are held by the seed companies. The things that they grow on the vast majority of the land are not sold to anyone. They are destroyed because they are experiments. They are not growing seeds here to sell to other farmers or growing corn that feeds in the vast majority of their work. The reason the study is happening is because of the unique things that are occurring here on Kaua'i, where large quantities of pesticides, much higher than production and very frequently being sprayed on Kaua'i. We need to know about the impacts of this unique circumstance that is here on Kaua'i, that has not been studied by anyone, I believe. So, I just want to say why I am supporting this. Thank you.

Chair Furfaro: Any more dialogue before I call for the vote?

Mr. Chock: Chief – I am sorry I said Chief. Chair. I forgot where I was. Chair, Grace Peralta is going to be departing. I just wanted to recognize her as she leaves and thank her for her time here. Hopefully, we inspired her to consider a seat one day.

Ms. Peralta:
you have a good rest of the meeting.

Thank you everyone for having me. I hope

Chair Furfaro:

We will.

Mr. Chock:
leave?

Grace, do you have any questions before you

Ms. Peralta:

No.

Mr. Chock:

We can catch up later. Thank you, Chair.

Chair Furfaro:
call for the vote? Roll call, please.

Okay. Any further dialogue before I actually

The motion to adopt Bill No. 2513, Draft 1 on second and final reading, and that it be transmitted to the Mayor for his approval, was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Hooser	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: We have a 6:0 vote on that. Thank you very much everyone. Now, we will go to the next item, and if you folks feel you want to be here for upcoming Bill, then you want to defer. Remember, use the date I gave you of February 26th.

Bill No. 2514 – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY MOTOR VEHICLE WEIGHT TAX: Mr. Rapozo moved to receive Bill No. 2514 for the record on second and final reading, seconded by Mr. Kagawa.

Ms. Yukimura: It is not a motion until it is recognized.

Mr. Rapozo: I am sorry?

Mr. Kagawa: Oh, whoever he recognizes then.

Mr. Rapozo: Mr. Chair?

Chair Furfaro: Yes, I am thinking about this. Go ahead
JoAnn.

Ms. Yukimura moved to defer Bill No. 2514 to May 14, 2014.

Mr. Rapozo: I would suggest that we have some
discussion before you do a deferral.

Ms. Yukimura: Okay.

Ms. Yukimura withdrew her motion to defer Bill No. 2514 to May 14, 2014.

Mr. Rapozo: Have the courtesy of at least allowing us to discuss this before you defer.

Ms. Yukimura: Mr. Chair, then for discussion purposes.

Chair Furfaro: Yes.

Ms. Yukimura: I would like to move the decision until May 14th. It is one (1) week after the public hearing on the budget and it is one (1) week before our vote on the budget. To me, it is important to have this Bill after we have seen all of the context of the budget, what our needs are, and what the balance comes out otherwise, if we kill it and then vote, we have to retrieve it and set a public hearing again and everything. We have already gone through that. So, I would rather defer it to May 14th, when we already gone through the budget process. We will have a much better sense of what our revenue needs are and we can vote on it then to either to kill it, to amend it, or to pass it.

Chair Furfaro: Mr. Bynum, you are next.

Mr. Bynum: Thank you for your comments, Councilmember Yukimura and Chair. These are both bills I put before the Council in consultation with the Administration. I would like a deferral to all seven (7) members can discuss this issue and they will be present. I believe we will all be present on the 26th. I would like to defer this until February 26th, that is prior to the Mayor submitting his budget and these were purposefully brought to the table so a decision could be made prior to the Mayor submitting a budget. The Mayor is going to have a very difficult challenge in giving us a balanced budget and then we will have that challenge, but clarity about whether the Council supports these revenue measures that were brought here by the Administration previously will assist the Administration in their budget decision-making. So, I would strongly encourage the Council to support a deferral until February 26th as suggested by the Chair. I will make that motion when everyone has had an opportunity to speak.

Chair Furfaro: Well, the motion we have on the table is a motion to receive and a second. Now, the way we would do this procedurally is if you would like to find ourselves having this on either on the 26th as I stated or May 14th as JoAnn stated, we would first have to vote on receiving it. The fact of the matter is, you would vote not to receive the item and then we would entertain another motion other than a deferral motion, which a deferral motion would supersede the motion to receive. Are we all clear on that?

Ms. Yukimura: Point of clarification, Chair. I think you are right that the motion to defer supersedes the motion to receive, so what will happen then if we do have a motion to defer and we vote on it, that whole Bill will move to wherever we defer it to.

Chair Furfaro: Yes, you have to defer it to date-specific, which I had mentioned earlier.

Ms. Yukimura: Yes.

Chair Furfaro: But, let us continue to have dialogue on the rationale, okay? Mr. Kagawa, you would like the floor?

Mr. Kagawa: I think he was first.

Chair Furfaro: Okay. Mr. Rapozo.

Mr. Kagawa: I will go next.

Mr. Rapozo: I think the Mayor submits the budget, I think this year March 14th. I would guess it is best to take care of this Bill before March 15th or March 14th before they prepare their budget. I think this generates quite a bit of revenue and to take action on this Bill prior to March 15th puts the Administration in a predicament because they do not know whether or not they can count on this revenue. My position is to just do it today. I like seven (7) people here, but we are not always going to have seven (7) people here and to continue to defer Bills because someone is not here, I think we need to take care of this as soon as possible. I am not going to be supporting this for the reasons I stated at the Committee Meeting. The Committee has recommended that we receive it. The Committee has the discussion and I think we should take action today. To defer it to May, that puts the Administration in a really tough position because they will not know and they cannot assume revenue that has not been voted on by the Council. So, I think let this thing pass or fail today and then they will have a better idea and we can deal with whatever the result is when we have our budget discussions. But to prolong this until May, I think puts the Administration, especially the people trying to put their budgets together, in a tough position. That is just my position.

Chair Furfaro: Okay. I would like to suspend the rules for a moment and ask Steve to coming up, if you do not mind?

There being no objections, the rules were suspended.

Chair Furfaro: Steve, I am hoping you can shed some light on what the Administration's desire of this Bill would be and here are the options. Receive it today, which pretty much would kill the Bill; number 2, defer it to a date-specific, which is February 26th to have discussion here with it; and/or wait until, as Mr. Rapozo has pointed out, May 14th which is what JoAnn's recommendation that we look at it after we are close to finalizing the budget. Does the Administration first feel it might be necessary to leave this Bill open to look at for some possible revenue or would it be the Administration's position that if the Bill died here, it is done?

Mr. Hunt: It would be the position of the Administration that we would like to keep this alive. I have not had the opportunity to review the Public Works budget which is scheduled for the 31st, I believe or it might have gotten moved. I did have the preliminary budget meeting with Transportation and based on what their needs are along with some of the requests, I will segregate the two (2). But between the combination of needs and requests, it is about one million three hundred thousand dollars (\$1,300,000) increase. Certainly, the Highway Funds would be useful in covering some of the transportation needs and to the extent we can address their wants, we may look at that, but we would like to keep these alive.

Chair Furfaro: So, wanting to keep those alive, would be feeling more comfortable to have a discussion on February 26th or would you feel more comfortable to revisit it with JoAnn's date on May 14th?

Mr. Hunt: I would be more comfortable with having it earlier. It would be nice knowing going into budget what we are dealing with because it will affect decisions that we have to make.

Chair Furfaro: Thank you. Any questions of Steve? JoAnn?
 Ms. Yukimura: Yes. After consulting with staff, I want to let everybody know that I am not looking at May 14th anymore, but I am thinking about April. It would be after the budget, but if the Bill dies, you will know what you do not want to know, is that you will not have any revenues. So, I would rather keep the option open, but I would like to see how the Administration is going to – I mean, the Administration will have the ability to show us what the need is by showing us what it has had to cut out in the budget you present to us and that may show us that we need to give those moneys. But I do not want to give it to them to assume that they have it while they are doing the budget.

Chair Furfaro: A great process in the democratic principles here, as I asked you for your testimony. You would like to leave it alive and you would like to have the discussion on February 26th? The April or May date and so forth is not something that you could support?

Mr. Hunt: Well, again there is the original submission that we will be having in March and there will be a supplemental in May. So, certainly, we will have to make some decisions for the March, which may or may not be predicated on that revenue. If we are assuming it will not be there, then there will be some adjusted both to potentially Solid Waste and to Transportation.

Chair Furfaro: So, February 26th is something that would be a healthy discussion for you folks. Any questions for Steve? No? Steve, thank you. I am going to let you go.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Furfaro: So members we have a motion to receive and/or if there is going to be any attempt here, I need date-specific deferral with a second to February 26th. Mr. Bynum, you have the floor.

Mr. Bynum moved to defer Bill No. 2514 to February 26, 2014, seconded by Mr. Chock.

Chair Furfaro: I have a second here. No discussion on a deferral, deferral date specific. Do a roll call, please.

The motion to defer Bill No. 2514 to February 26, 2014 was then put, and carried by the following vote:

FOR DEFERRAL:	Bynum, Chock, Furfaro	TOTAL – 3,
AGAINST DEFERRAL:	Kagawa, Rapozo, Yukimura	TOTAL – 3,
EXCUSED & NOT VOTING:	Hooser	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: So, we have a 3:3 tie. This will automatically come back up at the two (2) weeks space here. Two (2) weeks is comes back up, I

have a bunch of people in Denver and it will not pass. So, that is the way the rules are.

Mr. Bynum: Let us move on.

Chair Furfaro: Did you have a difference in my opinion? I said it comes up in two (2) weeks, but we will not have all members here.

Mr. Rapozo: No, I am agreeing with that.

Chair Furfaro: Okay.

Mr. Rapozo: I wanted to have more discussion, but a deferral was made. So, I respect the rule and I am moving on. Let us go to the next item.

Chair Furfaro: So, that is how it is interpreted in the Rules. We go to the next item please.

Bill No. 2515, Draft 1 – A BILL FOR AN ORDINANCE AMENDING SECTION 21-9.2 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT: Mr. Bynum moved to adopt Bill No. 2515, Draft 1 on second and final reading, and that is be transmitted to the Mayor for his approval, seconded by Mr. Rapozo.

Chair Furfaro: Second for discussion, okay. Mr. Bynum, you have the floor.

Mr. Bynum: I want to make sure that we have an opportunity to discuss, but my intention would be to make the same motion to defer to February 26th.

Chair Furfaro: Any more comments, Mr. Kagawa and then Mr. Rapozo.

Mr. Kagawa: Thank you, Chair. We had this in Committee and it was received. I think we agreed this was very premature to have to adjust our fee. It is not like our fees are cheap. I think the fees are already close to what the other islands are paying and to increase our tipping fees which will pass on to businesses, businesses that our people do business at. If we keep increasing amounts of expenses is for our businesses, it is going to hurt our public. It is going to hurt the small businesses that we want to thrive. We do not want a County full of big box businesses and we need to keep our mom and pop businesses alive. They are the ones that employ our local people, and not like the big box does not, but we want that mixture. I think again, the Garden Island Disposal will just pass on these tipping fees to the businesses and the businesses will pass it on to our residents. Like I said earlier, it is not like our tipping fees are lower anyway and we are trying to catch up to the other islands. It is like we want to be the highest tipping fee island in the State. To me, that is nothing to brag about. Thank you.

Chair Furfaro: Further dialogue? Mr. Rapozo.

Mr. Rapozo: Thank you, Mr. Chair. Again, for the same reasons that I cited in the Committee Meeting I am not going to be supporting this.

We are months away from the budget submittal. We talk about some of the questions regarding the management of Solid Waste. We had a discussion today about what happens with the four (4) men crew that became a one (1) man crew. How are we allocating those resources? How are we saving money? Is our overtime excessive? What plans does Solid Waste have to reduce the spending and expenditures? Is it reassigning people or putting people in other positions? There are a lot of questions that I have. What we are doing today or we are trying to do is we are just trying to put more money in the budget so that the Administration can continue on the trends that we have seen, the overspending, over the years. We have seen for the last four (4) years or five (5) years that the spending has outweighed our revenue and yet, we continue to try and increase revenue without hearing from the Administration. That is what the budget process is for. That is when the budget processes comes to us and says, "Hey, this is what we need." It is our opportunity to scrutinize the budget, find out ways – not these two percent (2%), or three percent (3%) cuts across the board. That does not satisfy me because a big Department three percent (3%), small department, three percent (3%) or ten percent (10%) or whatever it is, that is not how to do it. You have to look at each Department, what are the essentials? What is non-essential? What can wait for next year? What can wait for three (3) years? That is what the budget is for. We vote on this today and we approve this, we just hand them a few more million dollars and yet, I question the efficiency of Solid Waste. I mean, are we getting the "bang for our bucks" in recycling? In trash pick-up? So, the vehicle is in place for us to analyze the expenses of this County, that is called the budget. We were here a couple of months before, trying to increase revenues again. Mr. Kagawa is absolutely correct. The companies, a lot of the companies here are surviving. They are struggling and they are barely making it and every increase in overhead gets transferred down to the user, to the customer, which everybody will pay. I am not going to support this. I can count too. It will probably be deferred, but the budget process in my opinion, is where we determine whether or not we need to increase revenues after cost-cutting measures have been implemented to the Council's satisfaction. Thank you.

Chair Furfaro:

Mr. Bynum.

Mr. Bynum: I wanted to avoid general discussion about budget, but I feel compelled to at least say that we have all sat here at the same table. This is not a normal year. This is a year that we finally are getting our employees wage increases that they deserve, in my opinion. We have made a commitment to expand the Police force. We have made commitments for tens of millions of spending that we do not have much control over. We have to fund the Hawai'i Government Employees Association (HGEA), United Public Workers (UPW), Fire and Police raises. It is time for us to do that in my opinion. So, we sit here week after week, making commitment for expenditures, very large. We are not talking about ten million dollars (\$10,000,000) out of whack, ten million dollars (\$10,000,000) that we have to find for a project. We are talking about ten million dollars (\$10,000,000) of revenue that we need to match our expenditures. Now, there are some facts that will get presented here over the next few weeks. The fact is that since 2008, local residents have had fee increase and trash fee increases, they have paid additional property tax, increases over a four-(4) year period as a class. While every other tax category had decreases, our sixty-five million dollars (\$65,000,000) surplus is now down to ten million dollars (\$10,000,000) and we expect to spend all of that next year, we were told. These are just facts. At the end of the day, we have to present a balanced budget. If we do not take this potential two million five hundred thousand dollars (\$2,500,000) of revenue that was

recommended to us, that makes sense with public policy, that has businesses – yes, contributing like residents have over the last four (4) or five (5) years. Everybody has got to step up to the plate. Yes, some of this will get transferred. We went over that, but we cannot just sit here approving additional spending. Our surplus will be gone next year, totally gone. It is irresponsible to go into a budget season and plan on spending every spare penny you that you have over the next two (2) years and that is our plan as we sit here. Without this revenue, which is appropriate and targeted at use, we are going to give the Mayor a much more difficult task to deal with the budget. The Mayor asked for these revenues last year. We did not get them. Eventually, we are going to say yes to some of this. We have to. This makes more sense than waiting until later. Having said all of that, I hope to make a deferral when people feel like they have their say and make a motion to defer until February 26th, when all Councilmembers could be present to make this critical decision or could be present on the 26th.

Ms. Yukimura: I would like to ask Councilmember Bynum who proposed this? This was not proposed by the Administration?

Mr. Bynum: I proposed both of these Bills.

Ms. Yukimura: But it is not by request?

Mr. Bynum: No.

Ms. Yukimura: It is your proposal?

Mr. Bynum: I am taking responsibility. I was the Finance Chair until a couple of weeks ago and I may be again in a few weeks and I have worked with Finance on these finance issues for the last five (5) years, which is all part of the public record.

Ms. Yukimura: That is all. You clarified who is proposing it. That is all that I wanted to clarify.

Mr. Bynum: It is proposed by me and I have consulted with the Administration along the way and Mr. Hunt has made it clear that the Administration supports this proposal.

Ms. Yukimura: May I have some discussion?

Chair Furfaro: I gave you the floor.

Ms. Yukimura: Thank you. I want to say that I am in agreement with Councilmember Rapozo about the management issues of the Solid Waste Division. That is not new. I have been speaking about this for years and I am very concerned that we would raise our fees to just pay for management error costs and I do not believe that is proper to do. On the other hand, I understand the issues of the need for more revenues, but I think it behooves the Administration to come forward with a budget and a plan that shows us that the Solid Waste Management Division will be well-managed and to show us the need for these moneys. That is why I would like to defer this matter until we are able to look at all of these issues through the budget process. I would like to see this matter deferred and I think let us have the Administration come forward and give us the budget without the moneys, but have a full discussion about if that is on their first budget

submittal, have the budget hearings where they lay out what they want to do with the extra moneys, and if we agree, to defer to March – I am sorry. April 23rd, before the supplemental budget would allow them, if we pass it then, to come back with a supplemental budget. I think there is a logical sequence that gives a fair hearing and a fair chance to the Administration to put forth its plan and show how these moneys will be used.

Chair Furfaro:

Mr. Bynum.

Mr. Bynum: I have to strongly object and I am sorry that I have to say this to Councilmember Yukimura, linking the Mayor's staffing decisions to our financial picture and our need to fund. Councilmember Yukimura has been very clear that she is holding this whole process hostage because she wants the Mayor to fire people in the Solid Waste Division and I am tired of us not talking the truth here. It is irresponsible Councilmember Yukimura, to link this issue about our finances with an issue about what the Mayor's prerogatives are.

Chair Furfaro: Mr. Bynum, I want to take a five (5) minute recess. Everybody takes their temperament. County Attorney, I would like to see you while we are on this recess.

There being no objections, the Council recessed at 4:25 p.m.

There being no objections, the meeting was called back to order at 4:38 p.m., and proceeded as follows:

Chair Furfaro: We are back from when I called a recess. Mr. Bynum had the floor, his second recognition on the floor and he has the floor again. Mr. Bynum.

Mr. Bynum:

I think I said what I needed to say.

Chair Furfaro:

Okay. JoAnn, you have the floor.

Ms. Yukimura: Yes, thank you. I just wanted to clarify and repeat what I have said, that I think we are exercising appropriate budgetary oversight when we ask the Solid Waste Division and the Public Works Department to come up with a plan for the use of any extra fees that might be anticipated and before we pass any Bill raising fees.

Chair Furfaro: As I summarize this, a reminder, we have a motion by Mr. Kagawa and Mr. Rapozo to receive. Am I correct?

Ms. Yukimura:

No, there was a motion to approve.

Chair Furfaro: Thank you. I was corrected on the previous Bill. So, we have a motion to approve, but not date specific or anything, just a motion to approve. That is what we have on the table. Mr. Bynum and then JoAnn.

Mr. Bynum: As I stated, I would like to make a motion if everyone is finished with discussing, to defer until February 26th as the Chair suggested when all Councilmembers will be available to vote on this issue.

Chair Furfaro:

JoAnn, you want to follow-up with that?

Ms. Yukimura: Yes. Maybe we can ask Larry Dill if Public Works will have a proposed plan for the use of these fees by February 26th?

Chair Furfaro: Larry, it sounds like we have a short question for you. You might get in the habit to sit in the front row so you do not have to walk all the way from the back of the room. JoAnn, the rules are suspended and pose your question to Mr. Dill again please.

There being no objections, the rules were suspended.

Ms. Yukimura: Larry, the proposal for this increase in Solid Waste fees did not come from the Administration. It came from Councilmember Bynum, though he did say he had talked to the Administration. So, if it came from the Administration either directly or indirectly, I presume there is a plan for how these extra moneys would be used. My question is, does the Administration have a plan for the use of that money?

Mr. Dill: For the record Larry Dill, County Engineer. When Councilmember Bynum brought his proposal forward, we looked at our numbers. As you recall, we did come forward with a proposal some time ago requesting an increase in the tipping fees from ninety dollars (\$90) to one hundred nineteen dollars (\$119) and we recently revisited those numbers. In quick analysis, we estimate the cost of going up to the neighborhood of what Councilmember Bynum was proposing. On the side of how we would use those funds, I agree with you, that that a full analysis would be in the context of a budget discussion, but as I think I have mentioned to a couple of the Councilmembers in offline discussions, a couple of things we are looking at for this budget would be a new position in conjunction with the two (2) Ordinances that were discussed at Council; the Construction & Demolition Diversion (C & D) Ordinance and Business Recycling Ordinance. We will need a position to properly manage those Ordinances to enforce them and to provide outreach and education for all of the impacted businesses. Another would be a Collection Supervisor position, especially with the work that we are doing now to transfer all of the trash collection operations from the supervision of our Roads Division to our Solid Waste Division.

Ms. Yukimura: That would take one million two hundred thousand dollars (\$1,200,000)?

Mr. Dill: I did not say it would take one million two hundred thousand dollars (\$1,200,000).

Ms. Yukimura: Yes, but that is how much the fees would produce.

Mr. Dill: Yes, I understand. As I had mentioned, those are two (2) things that off the top of my head would be priorities to add to this year's budget.

Ms. Yukimura: Okay, but there is no...

Mr. Dill: Beyond that, I do not have anything for you at this time. That is right.

Ms. Yukimura: Thank you, and you would not be able to propose it on February 26th or would you?

Mr. Dill: As far as new initiatives are concerned, as you well know, the Solid Waste budget is significantly supported by the General Fund. So, we would look for that initiative to help to do two (2) things. To help us implement new programs such as these two (2) new positions, we would like to bring programs back that were cut at last year's budget. The Recycling Grant Program got cut. I think the Used Motor Oil Program got cut. We would like to bring those back. I do not have the numbers off the top of my head, but it would also serve to help us are reduce reliance on General Fund support for the Solid Waste operations.

Ms. Yukimura: So, actually that is really a budget issue for us?

Mr. Dill: Certainly, it is a budget issue, yes.

Ms. Yukimura: Are you ready to talk about how you are better managing the Solid Waste processes and issues? Any kinds of changes that you are making to ensure that we do not make mistakes that we have made in the past in that Division? We have talked, for example, about things like contract management training and et cetera?

Mr. Dill: Yes, we have done some of those things

Ms. Yukimura: But are you able to pretty much address that issue?

Mr. Dill: Yes.

Ms. Yukimura: Okay, by February 26th?

Mr. Dill: Yes. It would help me. I know you have been very concerned about that issue in the past. If you have certain areas of concern about where you think things have gone awry at the Department. We have done things like contract management training, that is a very specific item we can address.

Ms. Yukimura: We can look at lawsuits, penalties, and things like that we have.

Mr. Dill: I am not aware of any lawsuits.

Ms. Yukimura: Well, legal issues then.

Mr. Dill: Okay.

Ms. Yukimura: I guess the other way to do is an audit of the Solid Waste Division, but it is management of transfer stations, overall planning for the upkeep of our facilities, and using Environmental Impact Studies (EIS) instead of Feasibility Studies. I mean, just things like that.

Chair Furfaro: So that we are not confused, Larry, I am going to just read off two (2) numbers if you could acknowledge it. Our landfill operations are approximately twelve million six hundred thousand dollars (\$12,600,000) million a year. Confirm?

Mr. Dill: Our Solid Waste operations?

Chair Furfaro: Yes.

Mr. Dill: Yes.

Chair Furfaro: Twelve million six hundred thousand dollars (\$12,600,000) a year. In our current situation five million five hundred thousand dollars (\$5,500,000) of that is subsidized by the General Fund.

Mr. Dill: Correct.

Chair Furfaro: I just want to make sure that everybody understands the scope here that we are laying out. Now, I am going recognize Mr. Bynum.

Mr. Bynum: Thanks Larry. Maybe this question is for Steve, but Solid Waste and the expenses involved is kind of a moving target. You would agree, correct?

Mr. Dill: To some degree, yes.

Mr. Bynum: Well, in the last couple of years we had a lot of unexpected expenses from the Puhi issue. We know we are going to spend a considerable amount of money because of concern about an existing liner that the Health Department is going to make us look into, correct?

Mr. Dill: Well, we have yet to complete the investigation of that.

Mr. Bynum: We do not know what is wrong, but we have to investigate.

Mr. Dill: Correct.

Mr. Bynum: And that is going to require a considerable sum.

Mr. Dill: Oh, yes, definitely an investigation is required.

Mr. Bynum: And if we find a problem, it could be more.

Mr. Dill: Yes.

Mr. Bynum: So, we are all hopeful that we will discover there is no further action, but I believe that was in the tune of seven hundred fifty thousand dollars (\$750,000).

Mr. Dill: Yes, but I have to be honest with you that we do not have a firm number until we complete the investigation.

Mr. Bynum: Right. I am just making this point.

Mr. Dill: Sure.

Mr. Bynum: In Finance, in the Solid Waste Division, it is true that the General Fund has to contribute along with the contributions made by the solid waste fees, correct, to make that up? The General Fund has to contribute to that. In the last couple of budgets with Ernie, we tightened up all of the funds. The Solid Waste Fund was carrying a balance and in the last couple of years we made sure that that balance was not greater than needed to be set aside for future landfill closures. My guess is, last year we had to contribute from the General Fund to meet the Solid Waste needs. My guess is that we will have to contribute more in the upcoming budget?

Mr. Dill: Yes, I believe that will be the case, yes.

Mr. Bynum: I believe that both Steve and you would have more to share with us about that on February 26th. Is that correct or could have more?

Mr. Dill: We could have more. We are certainly preparing for budget right now and that is certainly one of the things that will be a topic of discussion at budget time. I am not sure how mature that discussion will be on February 26th.

Mr. Bynum: Thank you.

Mr. Dill: Okay.

Chair Furfaro: Okay. Make sure when we prepare to talk about this, that I would like to see Steve as it relates to the Comprehensive Annual Financial Report (CAFR), how much money is in the landfill closure reserves so we understand where we are at, over the last several years the contributions we have made to that reserve. What we have on the floor, is Larry has responded to the February 26th date as you just heard and I need a motion to defer to a date specific, if you want? JoAnn and then Tim.

There being no objections, the meeting was called back to order, and proceeded as follows:

Ms. Yukimura: More discussion. I really think this is a budget discussion. I would rather that Public Works/Solid Waste prepare a clear program for this coming year and tell us what that is going to be because as was pointed out, these fees – I mean I voted for a lot of fee increases last year because we had not raised fees and we were far below the other Counties. This fee is taking us above all of the other Counties. To me, there needs to be some real clear justification and assurance that there is a good plan for these moneys. I mean, I asked questions about the 26th because if they could really be ready to tell us, I would be open to it, but I think they are still developing their own budget and plans. I think we are better for April 23rd which is right after our budget hearings, but before the supplemental budget and I am open to other dates.

Chair Furfaro: I am going to be very honest with you. We keep discussing new dates, new dates. I want us to get a date on the table so we can vote on it and not just continue with the discussion because if not, I am about to vote with other side here and just kill it. So, give me a date.

Ms. Yukimura: Well, if there is no more discussion, I will make a motion.

Chair Furfaro: Make a motion to defer to a date specific.

Ms. Yukimura moved to defer Bill No. 2515, Draft 1 to April 23, 2014, seconded by Mr. Chock.

Chair Furfaro: We have a second. This is a deferral to April 23rd.

Ms. Yukimura: It is a Council Meeting day.

Chair Furfaro: Thank you. Roll call vote, please.

The motion to defer Bill No. 2515, Draft 1 to April 23, 2014 was then put, and carried by the following vote:

FOR DEFERRAL:	Chock, Yukimura, Furfaro	TOTAL – 3,
AGAINST DEFERRAL:	Bynum, Kagawa, Rapozo	TOTAL – 3,
EXCUSED & NOT VOTING:	Hooser	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Chair Furfaro: So, we are back to 3:3 and now we have just spent forty-five (45) minutes on basically saying to ourselves, schedule it again another time. That is what happens with our rules. Now next item, please.

Bill No. 2518 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-754, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE SPECIAL TRUST FUND FOR PARKS & PLAYGROUNDS (*Black Pot Park Expansion - \$94,427*): Ms. Yukimura moved to adopt Bill No. 2518 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Mr. Rapozo.

Chair Furfaro: I have a motion to approve and a second from Mr. Rapozo. Discussion? If not, this will be a roll call vote.

The motion to adopt Bill No. 2518 on second and final reading, and that it be transmitted to the Mayor for his approval, was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Kagawa, Rapozo, Yukimura, Furfaro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Hooser	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Chair Furfaro: Thank you very much. Next item.

Bill No. 2519 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 11 BETWEEN JULY 1, 2011 AND JUNE 30, 2017: Mr. Kagawa moved to adopt Bill No. 2519 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Mr. Rapozo.

Chair Furfaro: It has been moved and seconded for an approval on Bill No. 2519. Discussion? Steve, I want to thank you personally for doing the spreadsheet for us many how these increases get compounded over the future years. Thank you very much. Let us do a roll call vote, please.

The motion to adopt Bill No. 2519 on second and final reading, and that it be transmitted to the Mayor for his approval, was then put, and carried by the following vote:

FOR ADOPTION:	Bynum, Chock, Kagawa, Rapozo,	
	Yukimura, Furfaro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Hooser	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

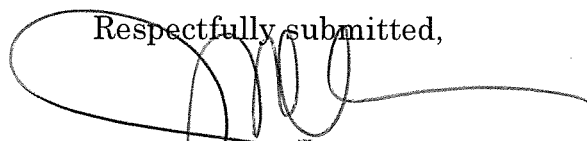
Ms. Fountain-Tanigawa: Six (6) ayes.

Chair Furfaro: Six (6) ayes. Okay, I think that completes our business for today. BC, thank you very much. We are now adjourned.

ADJOURNMENT.

There being no further business, the meeting was adjourned at 4:53 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk